Digitized by the Internet Archive
in 2026

https://archive.org/details/collectionofpubl0000vari_l0g8

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

SEVENTEENTH AND EIGHTEENTH YEAR

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the SECOND SESSION of the SIXTEENTH PARLIAMENT
of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS
PASSED IN THE ABOVE SESSION.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1854.

J Robertson

LICENCE.

In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize William Blackwood and Sons, Printers in Edinburgh, to Print and Publish, as by the Authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said William Blackwood and Sons.

AND. RUTHERFURD.

London, 31*st March* 1848.

CONTENTS.

Page

A Table of the Public General Statutes passed in the Second Session of the Sixteenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

A Table of all the Local and Personal Acts, declared public, and to be Judicially noticed, do. do., 219

Private Acts, printed by the Queen's Printer, and whereof the printed Copies may be given in evidence, ... 238

Private Acts, not printed, ... 242

Index to Statutes affecting Scotland, ... 243

LIST OF STATUTES AFFECTING SCOTLAND CONTAINED IN THIS VOLUME.

Cap. I. An Act to explain and amend an Act of the last Session relating to the Duties of Assessed Taxes; and to authorize Justices of the Peace in Ireland to administer Oaths required in Matters relating to Income Tax, ... 1

Cap. V. An Act to admit Foreign Ships to the Coasting Trade, . 4

Cap. X. An Act for granting to Her Majesty additional Duties on Profits arising from Property, Professions, Trades, and Offices, . . 6

Cap. XIII. An Act to amend the Acts relating to the Militia of the United Kingdom, ... 8

Cap. XXIV. An Act for granting to Her Majesty an increased rate of Duty on Profits arising from Property, Professions, Trades, and Offices, ... 12

Cap. XXV. An Act to amend the Industrial and Provident Societies Act, 1852, ... 16

Cap. XXVII. An Act for granting certain additional Rates and Duties of Excise, ... 19

Cap. XXVIII. An Act to alter and amend certain Duties of Customs, 33

Cap. XXIX. An Act to alter the Duties of Customs on Sugar, Molasses, and Spirits, ... 35

Cap. XXX. An Act for granting certain Duties of Excise on Sugar made in the United Kingdom, ... 39

Cap. XXXI. An Act for the better Regulation of the Traffic on Railways and Canals, ... 43

Cap. XXXIV. An Act to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of Witnesses out of their Jurisdiction and to give Effect to the Service of such Process in any Part of the United Kingdom, ... 48

Cap. XL. An Act to continue an Act of the last Session of Parliament, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives, ... 51

Page
Cap. LVI. An Act to make further Provisions in relation to certain Friendly Societies, ... 54
Cap. LIX. An Act to allow Verdicts on Trials by Jury in Civil Causes in Scotland to be returned although the Jury may not be unanimous, 58
Cap. LX. An Act to amend an Act of the Twelfth and Thirteenth Years of Her present Majesty for the more effectual Prevention of Cruelty to Animals, ... 59
Cap. LXII. An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission and Extinction of Heritable Securities in Scotland, ... 62
Cap. LXIV. An Act to amend an Act of the last Session for extending the Public Libraries Act, 1850, to Ireland and Scotland, . . 63
Cap. LXXII. An Act to provide for Payment of the Salaries of the Sheriff and Sheriff Clerk of Chancery in Scotland, ... 69
Cap. LXXIII. An Act to amend the Acts for the Regulation of Joint Stock Banks in Scotland, ... 70
Cap. LXXIV. An Act to render Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children, . 71
Cap. LXXX. An Act to provide for the better Registration of Births, Deaths, and Marriages in Scotland, ... 77
Cap. LXXXIII. An Act to amend the Laws relating to the Stamp Duties, ... 112
Cap. LXXXVI. An Act for the better Care and Reformation of Youthful Offenders in Great Britain, ... 126
Cap. XC. An Act to repeal the Laws relating to Usury and to the Enrolment of Annuities, ... 130
Cap. XCI. An Act for the Valuation of Lands and Heritages in Scotland, ... 133
Cap. XCVI. An Act for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the Assaying of Gold and Silver Wares, ... 157
Cap. XCVIII. An Act to regulate the Salaries of the Parochial Schoolmasters in Scotland, ... 159
Cap. CI. An Act to continue and amend the Acts now in force relating to Friendly Societies, ... 160
Cap. CII. An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament, 161
Cap. CVI. An Act for Amending the Laws relating to the Militia, and raising a Volunteer Militia Force in Scotland, ... 179
Cap. CXXII. An Act for the further Alteration and Amendment of the Laws and Duties of Customs, ... 209
Cap. CXXIII. An Act to render any Dealing with Securities issued during the present War between *Russia* and *England* by the *Russian* Government a Misdemeanor, ... 216

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. I.

An Act to explain and amend an Act of the last Session relating to the Duties of Assessed Taxes; and to authorize Justices of the Peace in Ireland *to administer Oaths required in Matters relating to Income Tax.*—[17th February 1854.]

16 & 17 Vict. c. 90.

WHEREAS an Act was passed in the last Session of Parliament, Chapter Ninety, to repeal certain Duties of Assessed Taxes, and to grant other Duties of the same Description: And whereas by reason of certain Errors and Omissions in the said Act Doubts have arisen as to the Construction and Meaning thereof in some Particulars, and it is expedient to remove such Doubts, and to amend the said Act: And whereas it is also expedient to amend the Act passed in the last Session, Chapter Thirty-four: Be it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties contained in Schedule (F.) of recited Act to be deemed to have been granted and made payable thereby.

I. The Duties described or mentioned and set forth in the Schedule marked (F.) to the said Act annexed as Duties payable annually for all Horses and Mules not charged with Duty under Schedule (E.) of the said Act shall be deemed and are hereby declared to be and to have been granted and made payable by the said Act from and after the Fifth Day of *April* One thousand eight hundred and fifty-four in *England* and *Wales* and *Berwick-upon-Tweed*, and from and after the Twenty-fourth Day of *May* in *Scotland*, notwithstanding the Omission to mention the said Schedule (F.) in Section 2. of the said Act, purporting to enumerate the several Schedules containing the Duties intended to be thereby granted and made payable; and the said Schedule (F.) and the Duties, Rules, Regulations, and Exemptions therein set forth or contained, shall have effect and be in force as if the said Schedule (F.) had been enumerated in the said Section along with the several other Schedules therein mentioned.

Exemption No. 2. in the said Act to extend only to the Duties contained in Schedule (E.) in certain Cases.

II. The Exemption No. 2., under the Head or Title of "Exemptions from the Duties contained in Schedules (E.) and (F.)," in the said Act, shall be deemed and construed and is hereby declared to extend only to exempt any Person from the Duties contained in Schedule (E.) of the said Act for One such Horse as in the said Exemption No. 2. is described, used for riding on the Occasions and in manner therein mentioned; and nothing in the said Exemption shall be deemed or construed to extend to exempt any Person from the Duties contained in Schedule (F.) of the said Act, for any such Horse as aforesaid, except where the same shall be kept for the Purpose of Husbandry, and used only for such Purpose, and for riding on the Occasions and in manner in the said Exemption No. 2. mentioned.

Horses used by Common Carriers occasionally conveying Passengers to be charged only under Schedule (F.)

III. For any Horse used by any Common Carrier in drawing any Carriage used by him principally and *bonâ fide* for and in the carrying of Goods, and occasionally only in conveying Passengers for Hire, in the Manner mentioned with respect to such Carriage in Schedule (D.) of the said Act, there shall not by reason of such using be charged any other or higher Duty than the Duty contained in the said Schedule (F.)

Time for giving Notice to determine

IV. The Time limited by Section Six of the said Act for the giving of Notice to determine any Contract of Composition for the Duties of Assessed Taxes shall be and is hereby extended to the Fifth Day of *April* One thousand eight hundred and fifty-four fifty-four; and any such Notice as in the said Section Six is mentioned, given on or before the said last-mentioned Day, shall have the same Force and Effect as it would have had if it had been given within the Time limited by the said Section.

Compositions extended.

V. And whereas by the several Acts in force relating to the Duties granted by an Act passed in the last Session of Parliament, Chapter Thirty-four, on Profits arising from Property, Professions, Trades, and Offices, divers Oaths are required to be taken by Persons appointed Assessors and Collectors of the said Duties, and by Persons claiming Exemption from or a Return or Repayment of the said Duties under the several Provisions of the said Acts, and by other Persons in relation to the Execution of the said Acts, which said Oaths the Commissioners for Special Purposes and other Commissioners in the said Acts mentioned are respectively authorized to administer; and it is expedient to authorize Her Majesty's Justices of the Peace in *Ireland*, as well as the said Commissioners, to administer the same: Be it enacted, that it shall be lawful for Her Majesty's Justices of the Peace in *Ireland* respectively within their respective Jurisdictions, and any One of them is hereby authorized and empowered, to administer to any such Assessor or Collector or to any other Person any Oath required or authorized by the said several Acts or any of them to be taken in any Matter relating to the Execution of the said Acts.

Justices of the Peace in Ireland may administer Oaths required by the Acts relating to the Income Tax.

CAP. II.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-four.—[23d March 1854.]

CAP. III.

An Act for raising the Sum of One million seven hundred and fifty thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.—[23d March 1854.]

CAP. IV.

CAP. IV.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. —[23d March 1854.]

CAP. V.

An Act to admit Foreign Ships to the Coasting Trade. —[23d March 1854.]

Recital of 16 & 17 Vict. c. 107. ss. 152. & 191.

WHEREAS by the One hundred and fifty-second Section of the Customs Consolidation Act, 1853, it is enacted, that no Goods or Passengers shall be carried Coastwise from one Part of the United Kingdom to another, except in *British* Ships: And whereas by the One hundred and ninety-first Section of the same Act it is enacted, that no Goods or Passengers shall be imported into the United Kingdom from the *Channel Islands* or exported from the United Kingdom to the said Islands, or carried from one of the said Islands to another, or from one Part of any of the said Islands to another Part thereof, except in *British* Ships: And whereas it is expedient to remove the Restrictions contained in the said recited Enactments: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of the recited Enactments.

The Queen enabled to exercise retaliatory Powers as in 16 & 17 Vict. c. 107. ss. 324, 325, & 326.

I. The Enactments herein-before recited, that is to say, the One hundred and fifty-second and the One hundred and ninety-first Sections of the said Customs Consolidation Act, 1853, shall be repealed from the passing of this Act: Provided, that it shall be lawful for Her Majesty to exercise, in respect of Foreign Ships employed in the Coasting Trade as aforesaid, and of Goods carried Coastwise in such Ships, such or the like Powers as are conferred on Her Majesty by the Three hundred and twenty-fourth, Three hundred and twenty-fifth, and Three hundred and twenty-sixth Sections of the said Customs Consolidation Act, 1853, in respect of Foreign Ships employed in the Oversea Trade, and of Goods exported or imported in such Ships.

Foreign Ships in the Coasting Trade to be subject to the same Rules as British Ships.

II. Every Foreign Ship which after the passing of this Act is employed in carrying Goods or Passengers Coastwise from one Part of the United Kingdom to another, or from the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to the United Kingdom, or from the United Kingdom to any of the said Islands, or from any of the said Islands to any other of them, or from any Part of any one of the said Islands to any other Part of the same, shall be subject, as to Stores for the Use of the Crew, and in all other respects, to the same Laws, Rules, and Regulations to which *British* Ships when so employed are now subject.

Foreign Ships employed in the Coasting Trade not to be subject to higher Rates than British Ships.

III. No Foreign Ship which after the passing of this Act is employed in the Coasting Trade as aforesaid, nor any Goods carried in any such Ship, shall, during the Time such Ship is so employed, be subject to any higher or other rate of Dock, Pier, Harbour, Light, Pilotage, Tonnage, or other Dues, Duties, Tolls, Rates, or other Charges whatsoever, or to any other Rules as to the Employment of Pilots, or any other Rules or Restrictions whatsoever, than *British* Ships employed in like Manner, or Goods carried in such Ships, any Law, Charter, special Privilege, or Grant to the contrary notwithstanding; nor shall any Body Corporate or Person having or claiming any Right or Title to any such higher or other Rates, Dues, Duties, Tolls, or other Charges as aforesaid be entitled to any Compensation in respect thereof under any Law or Statute relating thereto, or otherwise howsoever.

Foreign Steam Vessels carrying Passengers Coastwise to be subject to Provisions of 14 & 15 Vict. c. 79.

IV. And whereas it is expedient to provide for the Safety of Passenger Steamers: Be it enacted, That every Foreign Steam Vessel carrying Passengers from one Place to another on the Coasts of the United Kingdom of *Great Britain* and *Ireland* and the *Channel Islands* shall be subject to the Provisions of the Steam Navigation Act, 1851.

CAP. VI.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.—[23d March 1854.]

CAP. VII.

An Act for extending the Time limited for putting into execution the Act of the Fourteenth and Fifteenth Years of Her present Majesty, for the better Management and Control of Highways in South Wales.—[12th May 1854.]

CAP. VIII.

An Act further to amend an Act relating to the Valuation of rateable Property in Ireland.—[12th May 1854.]

CAP. IX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[12th May 1854.]

CAP. X.

An Act for granting to Her Majesty additional Duties on Profits arising from Property, Professions, Trades, and Offices.—[12th May 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Additional Duties to be charged on Property, &c. for the Year commencing on 6th April 1854.

I. There shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, for the Year commencing on the Sixth Day of April One thousand eight hundred and fifty-four, for and in respect of all Property, Profits, and Gains chargeable in or for the said Year with the Rates and Duties granted by the Act passed in the last Session of Parliament, Chapter Thirty-four, additional Rates and Duties amounting to One Moiety of the whole of the Duties which by virtue of the said Act shall be charged and assessed or shall become payable, under any Contract of Composition or otherwise, in respect of such Property, Profits, and Gains respectively for the said Year; and the whole Amount of the said additional Duties shall be collected and paid with and over and above the First Moiety of the Duties assessed or charged by virtue of the said Act for the Year aforesaid.

Duties to be assessed and raised under the Provisions of recited Acts.

II. The said Duties hereby granted shall be charged, raised, levied, and collected under the Regulations and Provisions of the said Act passed in the last Session of Parliament, and of the several Acts therein mentioned or referred to; and all Powers, Authorities, Rules, Regulations, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution for charging, raising, levying, collecting, receiving, accounting for, and securing the said Duties hereby granted, and otherwise relating thereto.

CAP. XI.

An Act to amend the Laws relating to Ministers Money, and the Church Temporalities (Ireland) *Act.*—[12th May 1854.]

CAP. XII.

An Act for raising the Sum of Sixteen millions twenty-four thousand one hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.—[12th May 1854.]

CAP. XIII.

An Act to amend the Acts relating to the Militia of the United Kingdom.—[12th May 1854.]

42 Geo. 3. c. 90. s. 111. 42 Geo. 3. c. 91. s. 197. 42 Geo. 3. c. 120. s. 55.

WHEREAS under the Acts now in force concerning the Militia of the United Kingdom the Militia can only be drawn out and embodied, in *England* and *Scotland* respectively, in Cases of actual Invasion or upon imminent Danger thereof, or in Cases of Rebellion or Insurrection, and in *Ireland*, in Cases of actual Invasion, Rebellion, or Insurrection, or upon immediate Danger thereof: And whereas it is expedient that the said Acts should be amended as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Militia may be embodied whenever a State of War exists.

That whenever a State of War exists between Her Majesty and any Foreign Power, it shall be lawful for Her Majesty and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* respectively to cause all or any Part of the respective Militias in *England*, *Scotland*, and *Ireland* to be drawn out and embodied, in like Manner as by the said Acts authorized in the Cases therein mentioned; and all the Provisions of the said Acts, and of all other Acts now in force, applicable for and in the Case of the drawing out and embodying of such respective Militias in the Cases therein mentioned, and to such respective Militias when so embodied, shall be applicable for and in the Case of the drawing out and embodying of such respective Militias under the Authority of this Act, and to such respective Militias when so embodied.

The Time of Training may be extended

II. It shall be lawful for Her Majesty, when any Regiment, Battalion, or Corps of the Militia in *England* is actually assembled for Training and Exercise for a less period than

Fifty-six Days, or at any Time after the Notices to the Men of such Regiment, Battalion, or Corps to attend Training and Exercise for any such less Period have been given by Order signified under the Hand of One of the Principal Secretaries of State to the Lieutenant of the County, Riding, or Place for which such Regiment, Battalion, or Corps is enrolled, or in his Absence to Three or more Deputy Lieutenants of such County, Riding, or Place, to extend the Period of such Training and Exercise for such Period as to Her Majesty may seem fit, not exceeding with the Time for which such Regiment, Battalion, or Corps may have been called out for such Training and Exercise the Period of Fifty-six Days, and it shall not be necessary in any such Case as aforesaid to give fresh Notices to attend Training and Exercise; and all Provisions applicable to such Militia during the Time of Training and Exercise shall be applicable to such Regiment, Battalion, or Corps during such extended Period as if the Notices for calling out such Regiment, Battalion, or Corps for such Training and Exercise had been given for such extended Period, and the same had been authorized by Law.

after a Corps of Militia is called out.

III. In case any of the Commissioned Officers or Privates of such Regiment, Battalion, or Corps shall, previously to the assembling of the same for Training and Exercise, have been sent to their Head Quarters or attached to any Corps of Her Majesty's Regular Forces for purposes of Instruction, the Time during which they shall have remained at their own Head Quarters, or with the said Corps, for Instruction as aforesaid, shall not be reckoned as any Part of the Period of Fifty-six Days during which such then Commissioned Officers and Privates may be kept assembled for Training and Exercise as herein-before provided.

Time of Drill not to be reckoned.

IV. Provided, That in the Case of drawing out and embodying the Militia in *England*, or any Part thereof, under the Authority of this Act, the Notices to the Militia Men to attend at the Time and Place mentioned in the Order of Her Majesty for drawing out and embodying the Regiment, Battalion, or Corps to which they shall belong shall be sent by the Colonel or Commanding Officer of such Regiment, Battalion, or Corps, by the Post, to the Residences of the several Men as stated on their Attestations, or as subsequently certified by them, and such Notices shall be sufficient in all respects; and any Militia Man not appearing at the Time and Place appointed in such Notice shall be deemed to have disobeyed Her Majesty's Order for drawing out and embodying the Regiment, Battalion, or Corps to which he belongs, and shall be liable to be punished and dealt with accordingly; and the Provisions

Notice of the Time and Place of Meeting to be sent by the Commanding Officer by Post to the Residences of the Men as stated in their Attestations, and to be deemed sufficient.

Provisions of the One hundred and sixteenth Section of the Act of the Forty-second Year of King *George* the Third, Chapter Ninety, shall be applicable to such Militia Man, and to any Person knowingly harbouring and concealing him.

CAP. XIV.

An Act to continue Her Majesty's Commission for building new Churches.—[12th May 1854.] (England.)

CAP. XV.

An Act to empower the Commissioners of the Admiralty to construct a Tunnel between Her Majesty's Dockyard at Davenport *and Her Majesty's Steam Factory Yard at* Keyham, *and to acquire certain Property for Her Majesty's Service.*—[2d June 1854.]

CAP. XVI.

An Act to amend the Act of the Thirteenth and Fourteenth Victoria, *Chapter Sixty-one, and the Act of the Fifteenth and Sixteenth* Victoria, *Chapter Fifty-four.*—[2d June 1854.] (England.)

CAP. XVII.

An Act to make further Provision for defining the Boundaries of Counties, Baronies, Half Baronies, Parishes, Town Lands, and other Divisions and Denominations of Land in Ireland *for Public Purposes.*—[2d June 1854.]

CAP. XVIII.

An Act for the Encouragement of Seamen and the more effectual Manning of Her Majesty's Navy during the present War.—[2d June 1854.]

CAP. XIX.

An Act for facilitating the Payment of Her Majesty's Navy, and the Payment and Distribution of Prize, Bounty, Salvage, and other Monies to and amongst the Officers and Crews of Her Majesty's Ships and Vessels of War; and for the better Regulation of the Accounts relating thereto.—[2d June 1854.]

CAP. XX.

An Act to repeal an Act of the Fifty-third Year of King George *the Third, Chapter Seventy-two, and an Act of the Eighth Year of Her present Majesty, Chapter Twenty-one; and for making Provision for the Appointment and for Remuneration of a Stipendiary Justice for the Division of* Manchester *in the County of* Lancaster, *and of Clerks to such Justice and the Justices for the Borough of* Salford; *and for other Purposes.*—[2d June 1854.]

CAP. XXI.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-four.—[16th June 1854.]

CAP. XXII.

An Act to enable the Collector-General of Dublin *to levy Money to repay a certain Outlay by the Corporation for preserving and improving the Port of* Dublin *in and about repairing the Quay Wall of the River* Liffey, *and for future Repairs thereof, and for repairing and rebuilding Bridges over the said River.*—[16th June 1854.]

CAP. XXIII.

An Act for raising the Sum of Six Millions by Exchequer Bonds and Exchequer Bills.—[16th June 1854.]

CAP. XXIV.

An Act for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices.—[16th June 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the Rate and Duty herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Increased Rate of Income Tax to be

I. From and after the Fifth Day of *April* One thousand eight hundred and fifty-four, there shall be charged, raised, levied, collected, and paid yearly, unto and for the Use of Her

Majesty, Her Heirs and Successors, in lieu of the Rates and Duties chargeable under the Act passed in the last Session of Parliament, Chapter Thirty-four, and of the Rates and Duties granted by an Act passed in the present Session of Parliament, Chapter Ten, for and in respect of all Property, Profits, and Gains chargeable under the said first-mentioned Act, the increased Rate and Duty of One Shilling and Twopence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively.

charged from 5th April 1854, in lieu of existing Rates.

II. The said Duty hereby granted shall be assessed, raised, levied, and collected under the Regulations and Provisions of the said Act passed in the last Session of Parliament, and of the several Acts therein mentioned or referred to, and all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution for assessing, raising, levying, collecting, receiving, accounting for, and securing the said Duty hereby granted, and otherwise relating thereto, as if the same were particularly repeated and re-enacted, *mutatis mutandis*, in the Body of this Act, with reference to the said Rate and Duty hereby granted.

Duty to be assessed and raised under the Provisions of recited Acts.

III. Provided always, That the Interest on Exchequer Bills which will become due and payable on the Twelfth Day of *June* One thousand eight hundred and fifty-four for the preceding Year shall be chargeable with the Rate or Duty of Sevenpence only for every Twenty Shillings thereof, computed up to and including the Fifth Day of *April* One thousand eight hundred and fifty-four, and with the Rate of One Shilling and Twopence for every Twenty Shillings thereof computed from the last-mentioned Day up to the Twelfth Day of *June* One thousand eight hundred and fifty-four: Provided also, that the Interest on Exchequer Bills which shall become due and payable in *June* next after the Termination of this Act and of the said Act of the last Session of Parliament respectively, or of the Duties granted by the said Acts respectively, shall be chargeable and shall be assessed up to the Day of Payment in *June*, in manner following; that is to say, on the Interest computed up to the Fifth Day of *April* next immediately preceding with the Rate of Duty which shall be in force and chargeable under the said Acts respectively on the said Fifth Day of *April*, and on the Interest computed from the said last-mentioned Day up to the said Day of Payment in *June* with

Interest on Exchequer Bills how to be charged.

with the Rate of Duty which shall be in force and chargeable as aforesaid from and after the said Fifth Day of *April;* provided, that if the Duties by this and the said other Act respectively granted shall finally cease and determine on the said Fifth day of *April*, then the said Interest for the whole Year up to the said Day of Payment in *June* shall be chargeable with the Rate of Duty in force on the said Fifth Day of *April* immediately preceding.

All Relief, Abatement, and Deduction to be proportionate to the increased Rate of Duty granted by this Act.

IV. Provided always, That in any Case where, under or by virtue of the said Act of the last Session of Parliament, or any Act or Acts therein recited or mentioned, any less Rate or Duty than the Rate of Sevenpence for every Twenty Shillings of the annual Value or Amount of any Property, Profits, or Gains would, if this Act and the said other Act of the present Session had not been passed, have been chargeable in the present Year, or where any Relief or Abatement or Deduction is by any such Act or Acts as aforesaid directed to be given, made, or allowed at or after any Rate in such Act or Acts specified or mentioned, then and in every such Case the Rate of Duty, or of such Relief, Abatement, or Deduction, to be charged, given, made and allowed respectively under this Act, shall be in the same Proportion to the Rate or Duty of One Shilling and Twopence for every Twenty Shillings granted by this Act as the Rate of Duty, Relief, Abatement, and Deduction respectively which in this present Year would have been chargeable, or given, made, or allowed in the like Cases respectively under the said Act of the last Session, bears to the Rate or Duty of Sevenpence for every Twenty Shillings granted by the said last-mentioned Act.

Copies of Poor Rates in Ireland to be transmitted to the Commissioners of Inland Revenue only when required by them.

V. And whereas by the said Act of the last Session of Parliament the Clerk of the Board of Guardians of every Poor Law Union in *Ireland* and the Collector of General Rates in the City of *Dublin* are respectively required, under a certain Penalty for any Neglect, to transmit to the Commissioners of Inland Revenue yearly within the Period in the said Act mentioned true Copies of the last Rates made for the Relief of the Poor, and it is found by Experience that the yearly Transmission of such Copies is for the most part unnecessary: Be it enacted, That Copies of the said Rates shall be transmitted at such Times only as they shall be required by the said Commissioners, and the Penalty imposed by the said Act for any Neglect to transmit such Copies shall attach and be incurred only for any Neglect to transmit the same in pursuance of any Requisition of the said Commissioners.

Commencement and Continuance of this Act.

VI. This Act shall commence and take effect from and after the Fifth Day of *April* One thousand eight hundred and fifty-four, and, together with the Duty therein contained, shall continue in force during the present War, and until the Sixth Day of *April* next after the Ratification of a Definitive Treaty of Peace, and no longer: Provided always, that if the Ratification of such Treaty shall take place at any Time before the Sixth Day of *April* One thousand eight hundred and fifty-nine, then on and from and after the Sixth Day of *April* next after the Ratification of such Treaty the said increased Rate and Duty by this Act granted shall cease, and in lieu thereof the several Rates and Duties granted by the said Act of the last Session of Parliament shall revive and be payable during so much of the respective Terms limited by the said last-mentioned Act as shall be then unexpired, as if this Act had not been passed.

Act to continue in force for Recovery of Arrears of Duty, &c.

VII. Provided always, That this Act, and the said Rate and Duty hereby granted, shall not cease at the Time hereinbefore appointed in that Behalf with respect to any Assessment which ought before then to have been made, but which shall not have been made and completed, nor with respect to any Duty which shall have been assessed and shall then remain unpaid, nor with respect to any Penalty before then incurred, nor with respect to any Deduction of the said Duty or any Portion thereof authorized by Law to be made out of any Rent, Interest, or other annual Payment, nor with respect to any Penalty for refusing to allow any such Deduction, although such Refusal may be after the Time appointed as aforesaid, nor with respect to the Assessment of the Interest on Exchequer Bills becoming due in the Month of *June* next after the Time appointed for the ceasing of the said Duty; but all the Powers and Provisions of this Act, and of the several Acts herein mentioned or referred to, shall continue in force for making and completing all such Assessments as aforesaid, and for levying and recovering the Duties so assessed or to be assessed, and all Arrears of such Duties, and also for re-assessing the same in default of Payment, and for making and allowing such Deduction as aforesaid, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred.

CAP. XXV.

CAP. XXV.

An Act to amend the Industrial and Provident Societies Act, 1852.—[16th June 1854.]

WHEREAS by the Industrial and Provident Societies Act, 1852, it is enacted, "that all the Provisions of the "Laws relating to Friendly Societies shall apply to every "Society to be constituted under the said Act, except in so far "as any such Provision might be expressly varied by the said "Act, or by any Rule expressly authorized to be made "thereby:" And whereas it is expedient to vary the Provisions of such Laws in relation to Societies registered under the Act aforesaid, so far as concerns the Manner in which legal Proceedings shall be carried on in any Matter concerning any such Society: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Suits to be carried on in the Name of One of the Officers of any Society to be appointed for that Purpose.

I. After the passing of this Act, no Suit or Proceeding shall be commenced or prosecuted by or against the Trustees of any Society registered under the Industrial and Provident Societies Act, 1852, except in the Case herein-after provided: but all Suits and Proceedings, whether at Law, in Equity, or in Bankruptcy or Sequestration, or otherwise howsoever, as well in *Great Britain* and *Ireland* as in the Colonies and Dependencies thereof, by or on behalf of any such Society, against any Person or Persons, whether Bodies Politic or others, and whether Members or not of such Society, shall be commenced and prosecuted in the Name of One of the two Officers for the Time being appointed to sue and be sued on behalf of such Society, and Registered in pursuance of the Directions for such Appointment and Registration respectively herein-after contained; and all Suits and Proceedings, whether at Law or in Equity, or by or on behalf of any Person or Persons, whether Bodies Politic or others, and whether or not Members of such Society, against such Society, shall be commenced and prosecuted against such Officers, or if there shall be no such Officer for the Time being, then against the Trustees of the said Society.

Officers to be ap-

II. Every such Society shall, within One Calendar Month after the passing of this Act, appoint Two Officers to sue or be sued on behalf thereof in manner aforesaid, and make or cause to be made a Return to the Registrar of Friendly Societies of the Names and Descriptions of the Officers so appointed; and every such Society may from Time to Time remove any Officer so appointed; and in case of the Death, Resignation, or Removal of any such Officer the said Society shall, within One Calendar Month thereafter, appoint in his Stead another Officer to sue and be sued on behalf of such Society, and make or cause to be made a Return to the said Registrar as aforesaid containing as well the Name and Description of the Person who has ceased to be such Officer in manner aforesaid as the Name and Description of the Officer who has been appointed in his Stead to sue and be sued on behalf of such Society; and every such Return shall be signed by Three Members of such Society, and countersigned by the Officers or Officer so appointed, and shall be kept with the Rules of the Society; and in case any Society should neglect or refuse to appoint any Officers or Officer to sue and be sued as aforesaid, the Trustees of such Society, or the Majority of them, may appoint any Members or Member of such Society to be such Officers or Officer, and shall forthwith make such Return as last aforesaid under the Hand of such Trustees and such Officers or Officer; and every Appointment so made shall be as effectual for all the Purposes of this Act as if it had been made by such Society.

pointed to sue and be sued on behalf of Society, and their Names, &c. to be returned to Registrar of Friendly Societies.

Form of Return.

In default of Appointment as aforesaid, Trustees of Society may appoint such Officers, and make Returns.

III. Any Person shall be at liberty to require a Copy of such Return to be certified by the Registrar; and there shall be paid for such Certificate a Fee of One Shilling and Sixpence, and no more; and the Day of the Registration of every Return to be made in pursuance of this Act shall be written on such Return by the said Registrar; and a Copy so certified as aforesaid of such Return, including the Date to be marked thereon, shall be received in Evidence in all Proceedings, whether Civil or Criminal, and shall also be received as Evidence of the Day of the registering thereof.

Returns to be certified, and Certificates to be Evidence.

IV. No Action, Suit, or Proceeding, whether Civil or Criminal, commenced either by or against any such Society, (whether in the Name of One of the Officers appointed to sue and be sued as aforesaid, or of some Member of such Society, in the Case and in manner aforesaid,) shall be abated or prejudiced by the Death or by any Act of such Officer, or Person, or by the Resignation or Removal of such Officer, either before or after the Commencement of such Action, Suit, or Proceeding, or by any Change in the Members of such Society, but the same shall be continued in the Name of such Officer or Member (as the Case may be), notwithstanding such Death or Act,

Proceedings commenced in Name of Officer not to be abated by his Death, &c., or by Change of Members of Society.

or such Resignation or Removal, and notwithstanding such Change in the Members of such Society.

Effect of Judgments, &c. against the Society.

V. All Judgments, Decrees, Interlocutors, and Orders obtained in any such Actions, Suits, or other Proceedings as aforesaid, against such Officer or Member, in manner aforesaid, whether such Member or Officer respectively be Party to such Actions, Suits, or Proceedings as Plaintiff, Pursuer, Petitioner, or Defendant or Defender, shall have the same Effect against the Property and Effects of such Society as if such Judgments, Decrees, Interlocutors, or Orders had been obtained in Suits or Proceedings against the Trustees of such Society, and Execution or Diligence shall be issued thereon accordingly.

Bankruptcy, &c. of Officer not to affect Liability of Society.

VI. The Bankruptcy, Insolvency, or stopping Payment of any Officer or Member of such Society in his individual Capacity shall not be construed to be the Bankruptcy, Insolvency, or stopping Payment of such Society; and the Property and Effects of such Society shall, notwithstanding such Bankruptcy, Insolvency, or stopping Payment, be liable to Execution or Diligence in the same Manner as if such Bankruptcy, Insolvency, or stopping Payment had not taken place.

Service of Process on Society.

VII. In all Cases wherein it may be necessary for any Person to serve any Summons, Demand, or Notice, or any Writ or other Proceeding, at Law or in Equity, or otherwise, upon any such Society, Service thereof respectively on the Secretary of the said Society, or by leaving the same at the Head Office for the Time being of the said Society, or in case such Secretary shall not be found or known, then Service thereof on any Agent or Officer employed by the said Society, or by leaving the same at the usual Place of abode of such Agent or Officer, shall be deemed good and sufficient Notice of the same respectively on such Society.

Dissolution of Society not to prevent winding-up of its Affairs.

VIII. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such Society may do all Things necessary to the winding-up of the Concerns thereof, and that it may be sued and sue under the Provisions of this Act in respect of all Matters relating to such Society.

Suits pending against Trustees to be carried on against Officers appointed as aforesaid.

IX. When any Action, Suit, or Prosecution shall, at the passing of this Act, be pending by or on behalf of or against the Trustee or Trustees of any Society, the same shall and may be proceeded in by or against such Registered Officer as aforesaid, in the proper Name or Names of the Person or Persons commencing or defending the same; and such Officer shall pay or receive like Costs as if the Action or Suits had commenced in his or their Name or Names for the Benefit of or to be reimbursed from the Funds of such Society.

X. The Provisions of the Laws relating to Friendly Societies whereby the Trustees of any Society are declared incapable of prosecuting any Action or Proceeding in any Court of Law or Equity on behalf of such Society, until they shall have duly furnished to the Registrar a general Statement of the Funds and Effects of such Society, shall not apply to the Prosecution of any Action or other Proceeding by the Registered Officer of any Society registered under the Industrial and Provident Societies Act, 1852.

Provisions of Friendly Societies Act incapacitating Trustees from suing till they shall have made to the Registrar a Financial Statement of Society's Affairs not to apply.

CAP. XXVI.

An Act to assimilate the Law and Practice existing in Cases of High Treason in Ireland *to the Law and Practice existing in Cases of High Treason in* England.—[3d July 1854.]

CAP. XXVII.

An Act for granting certain additional Rates and Duties of Excise.—[3d July 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties of Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. There shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, upon the several Goods and Commodities mentioned and described in the several Schedules marked respectively (A.) and (C.) hereunto annexed, the several Sums of Money and additional Duties of Excise as they are respectively inserted, described, and set forth in the said Schedules; and there shall be

Grant of Duties of Excise in Schedules (A.) and (C.)

Allowances and Drawbacks in Schedules (B.) and (D.)

be made, allowed, and paid for or in respect of the Goods and Commodities mentioned and described in the several Schedules marked respectively (B.) and (D.), hereunto annexed, the several Allowances and Drawbacks of Excise, as the same are respectively inserted, described, and set forth in the said last-mentioned Schedules; and the said Duties, Allowances, and Drawbacks respectively shall commence and take effect from the respective Days mentioned in the said Schedules or this Act respectively in Cases where special Dates are inserted, and in Cases where no Date is inserted the same shall commence and take effect from and after the passing of this Act.

The Duties by this Act granted on Malt to continue during the War only.

II. The Duties by this Act granted on Malt shall continue and be charged and paid during the present War, and until and upon the Fifth Day of *July* next after the Ratification of a definitive Treaty of Peace, and no longer: Provided always, that upon the ceasing of the said Duties on the Event and at the Time aforesaid the Duties of Excise on Malt, and the several Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, and granted or payable respectively under the several Acts in force in that Behalf immediately before the passing of this Act, shall revive, and be charged and allowed respectively in lieu of the Duties, Allowances, and Drawbacks by this Act granted upon or in respect of Malt, as if this Act had not been passed.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

III. The said several Duties, Allowances, and Drawbacks of Excise by this Act granted and imposed and allowed respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, applied, and allowed respectively in such and the like Manner, and by the same Means, Ways, and Methods by which other Duties, Allowances, and Drawbacks of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, raised, levied, collected, recovered, allowed, paid, and applied; and all Acts relating to the Duties, Allowances, and Drawbacks of Excise respectively, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act or Acts for securing the Duties of Excise or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties, Allowances, and Drawbacks hereby granted, imposed, and allowed respectively, in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties, Allowances, and Drawbacks hereby respectively granted, imposed, and allowed as aforesaid.

Maltsters, Brewers, &c. to give an Account of the Malt in their Possession on 8th May 1854, and Maltsters to give a like Account of the Malt made and disposed of by them within One Month previous to that Day, stating certain Particulars of Sale.

IV. Every Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, and every other Person who, in trust for or for the Use, Benefit, or Account of any such Person as aforesaid, had in his Custody or Possession, or in his House, Outhouse, Barn, Granary, or in any other Place whatsoever, upon the Eighth Day of *May* One thousand eight hundred and fifty-four, any Parcel or Quantity of Malt whatsoever, ground or unground, shall, within Ten Days next after the passing of this Act, give a true and particular Account thereof in Writing at the Office of Excise within the Limits of which he shall then inhabit; and every Maltster or Maker of Malt shall in like Manner give such Account of the Disposal of all the Malt which he shall have made or had in his Possession on or within One Calendar Month preceding the Eighth Day of *May* One thousand eight hundred and fifty-four, specifying the Quantity of Malt and the Date of each and every Delivery thereof, and the Name and Residence of the Person to whom the same respectively was sold or delivered, and the Place at which the same respectively was delivered, upon pain of forfeiting the Sum of One hundred Pounds, or Forty Shillings for every Bushel of such Malt, at the Election of the Attorney General or the Person who shall sue or prosecute for the same, for every Neglect or Default therein; and the Malt belonging to any Person by whom any such Account ought to be given, and of which no such Account as aforesaid or of which a false Account shall be given, shall be forfeited, and shall and may be seized by any Officer of Excise; and the Duty by this Act imposed on Malt Stock in hand shall be payable and paid on or before the Fifth Day of *July* One thousand eight hundred and fifty-four, unless Security be given to the Satisfaction of the Commissioners of Inland Revenue for Payment of the same by Instalments at the Times and in manner following; (that is to say,) One Eighth Part thereof on the Twenty-fourth Day of *July* One thousand eight hundred and fifty-four, One other Eighth Part thereof on the Fourth Day of *September* One thousand eight hundred and fifty-four, One other Eighth Part thereof on the Twenty-third Day of *October* One thousand eight hundred and fifty-four, Two Eighth Parts thereof on the Fourth Day of *December* One thousand eight hundred and fifty-four, and Three Eighth Parts, the Remainder thereof, on the Twenty-fourth

Penalty for Default.

Duty on Malt Stock in hand, when to be payable.

fourth Day of *January* One thousand eight hundred and fifty-five; and every such Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker who shall refuse or neglect to make such Payments or any of them for his Stock of Malt at such Time or Times respectively, shall forfeit double the Amount of all the Duties charged or chargeable for or in respect of such Stock of Malt, or One hundred Pounds, at the Election of Her Majesty's Attorney General, or the Person who shall sue or prosecute for the same.

Penalty for Refusal.

Officers of Excise may enter Premises of Maltsters, &c. to take an Account of Malt in Stock.

V. It shall be lawful for the Officers of Excise respectively to take a true and particular Account and Admeasurement of all such Malt as any Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or any Person in Trust for or for the Use, Benefit, or Account of any such Person as aforesaid, shall have had, or been possessed of or interested in, on the said Eighth Day of *May* One thousand eight hundred and fifty-four, or at any Time since, or shall have or be possessed of or interested in at any Time within One Calendar Month next after the passing of this Act, and for that Purpose to enter into any Dwelling House, Outhouse, Barn, Granary, or other Place whatsoever belonging to every or any such Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or other such Person as aforesaid, and every such Person is hereby required to permit and suffer such Officer or Officers, at any Time before the Duty upon such Malt shall be paid, to enter and take an Account and Admeasurement thereof, and for that Purpose to cast such Malt into a regular Form, for the better ascertaining the Quantity thereof; and if any such Person as aforesaid shall refuse to permit or suffer any Officer of Excise so to do, or if any Person shall obstruct, oppose, molest, or hinder any Officer of Excise in the due Execution of such Powers hereby given, or shall use or permit or suffer to be used any Means, Art, or Contrivance by which any Officer may be deceived, hindered, or obstructed in ascertaining or taking a true Account of the actual Quantity of all such Malt, such Person so offending shall forfeit One hundred Pounds, or Forty Shillings for every Bushel of such Malt, at the Election of Her Majesty's Attorney General or the Person who shall sue or prosecute for the same, for every such Offence; and if any Maltster, or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or any other Person having in his Custody or Possession any Quantity of Malt chargeable by this Act with the said Duty or Duties or any

Penalty on not suffering Officers to take Stock, or molesting them in the Execution of their Duty, or for clandestinely removing Malt, &c.

Part thereof for Stock in hand as aforesaid, shall have clandestinely removed or carried away or caused or suffered to be removed or carried away the same or any Part thereof before the Duties thereupon shall be charged, or shall fraudulently conceal or hide or cause or suffer to be concealed or hidden, or shall not produce to the Inspection of the Officer of Excise such Malt and every Part thereof, then and in every such Case the Person so offending shall forfeit the Sum of One hundred Pounds, or Forty Shillings for every Bushel of such Malt, at the Election of her Majesty's Attorney General or the Person who shall sue or prosecute for the same, and the Malt which shall have been so clandestinely removed or carried away or fraudulently concealed or hidden shall be forfeited, and shall and may be seized by any Officer of Excise, and the Person in whose Custody or Possession such Malt shall be found who shall not before the Discovery thereof give Notice at the next Office of Excise of the Quantity of Malt so in his Custody or Possession shall also forfeit the like Amount or Rate of Penalty.

Allowance to be deducted from the Amount taken of the Malt Stock in hand for the Increase.

VI. On all unscreened and unground Malt in the Possession of any Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, or any Person in trust for or for the Use, Benefit, or Account of any such Person as aforesaid, and which shall be taken account of by any Officer of Excise, and charged with the Duty on Malt Stock in hand hereby imposed, there shall be allowed and deducted from such Account, previously to such Charge of Duty, Twenty *per Centum* on all Brown or Porter Malt, and on all roasted or Black Malt, and Seven and a Half *per Centum* on all other unscreened and unground Malt.

Additional Duties to be added to the Articles contracted for.

VII. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Excise are by this Act granted and imposed, which Contracts or Agreements may have been made with no Reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof, be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

Penalty for untruly stating the original Gravity of Beer entered for

VIII. If, on the Exportation of any Beer, or on the shipping or

Exportation, or claiming a higher Rate of Drawback than entitled to.

Proof of the original Gravity to lie on the Claimant.

or Entry thereof for Exportation, or on giving Notice of Intention to ship or enter the same for Exportation, any Person shall state or represent the original Gravity of the Worts used in the Brewing of such Beer to have been of greater Specific Gravity than the actual Gravity thereof before Fermentation, or if any Person shall, on any such Occasion as aforesaid, claim any higher Rate or greater Amount of Drawback in respect of such Beer than he shall be by Law justly entitled to claim for the same, every Person so offending in any such Case shall forfeit the Sum of Fifty Pounds, over and above all other Penalties and Forfeitures for any such Offence; and if any Question shall arise as to the Specific Gravity of such Worts, the Proof of the actual Specific Gravity thereof before Fermentation shall lie on the Person shipping or entering such Beer for Exportation or claiming the Drawback thereon.

As to Amount to be repaid on Removal of Malt Spirits from Scotland to England or Ireland.

IX. Upon the Removal to *England* or *Ireland* for Consumption there of Spirits distilled in *Scotland* from Malt only, One Half only of the Allowance granted and made on such Spirits under this Act shall be repaid by the Distiller or Proprietor of such Spirits.

Spirits distilled from Malt in England and Ireland may be delivered for Consumption there on Repayment of Half the Malt Allowance, or for Consumption in Scotland without Repayment.

X. Any Spirits distilled in *England* or *Ireland* from Malt only, and on which the Allowance granted by this Act has been made as for Exportation or Use as Ships Stores, may be delivered for Consumption in *England* and *Ireland* respectively on Repayment by the Distiller of One Half of such Allowance; and any such Spirits as aforesaid may be removed from a Duty-free Warehouse in *England* or *Ireland* to a Duty-free Warehouse in *Scotland*, and delivered for Consumption there, without Repayment of such Allowance or any Part thereof.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

DUTIES.

MALT.

	Duties.		
	£	s.	d.
For and upon every Bushel, Imperial Standard Measure, and so in proportion for any greater or less Quantity, of Malt, which, after the Eighth Day of May One thousand eight hundred and fifty-four, shall be made, in any Part of the United Kingdom of Great Britain and Ireland, from Barley or any other Corn or Grain (except Malt made for Home Consumption in Scotland and Ireland respectively from Bear or Bigg only), or which, after the said Day, shall be brought from Scotland into England without a Certificate from the proper Officer that it hath paid the full Duty of Excise imposed thereon by Law, or which, after the said Day, shall be brought from Ireland into England without such Certificate, in lieu of all other Duties of Excise now payable under any Act or Acts in force, the Duty of -	0	4	0
And for and upon every Bushel, Imperial Standard Measure, and so in proportion for any greater or less Quantity, of Malt, which, after the said Day, shall be made from Bear or Bigg only in Scotland and Ireland respectively, for Home Consumption there, in lieu of all such other Duties of Excise as aforesaid, the Duty of - - -	0	3	1
And for and upon every Bushel of Malt, whether ground or unground, belonging to any Maltster or Maker of Malt, Dealer in or Seller or Retailer or Roaster of Malt, Brewer, Distiller, or Vinegar Maker, and which, on the Eighth Day of May One thousand eight hundred and fifty-four, shall be either in his Custody or Possession or in the Custody or Possession of any other Person in trust for him, or for his Use, Benefit, or Account, in England, Scotland, or Ireland, the following additional Duty over and above all other Duties of Excise paid or payable thereon under any other Act or Acts now in force, that is to say, an additional Duty after the Rate of - - - - -	0	1	3½
Provided always, that if such last-mentioned Malt shall be in Scotland or Ireland, and shall have been made, for Home Consumption there, from Bear or Bigg only, then an additional Duty only after the Rate per Bushel of - -	0	1	0

SPIRITS.

Scotland and Ireland.

Duties.

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which, on or after the Eighth Day of May One thousand eight hundred and fifty-four, shall be distilled in Scotland and Ireland respectively, or be in the Stock, Custody, or Possession of any Distiller in Scotland or Ireland, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled in England, Scotland, or Ireland, shall on or after the said Day be in Warehouse in Scotland or Ireland, and be taken out of Warehouse for Consumption in Scotland or Ireland, or which, having been taken out of Warehouse in England for Removal to Scotland or Ireland, shall on or after the said Day be brought into Scotland or Ireland, the additional Duty following; that is to say,

	£	s.	d.
In Scotland, the additional Duty of - - -	0	1	0
In Ireland, the additional Duty of - - -	0	0	8

And so in proportion for any greater or less Degree of Strength, or any greater or less Quantity.

Channel Islands.

For and upon every Gallon of Spirits of the Nature or Quality of plain British Spirits, of the Strength of Hydrometer Proof, manufactured or distilled in the Islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported from any of the said Islands into Scotland or Ireland, the following countervailing Duties to be charged and paid on and after the Eighth Day of May One thousand eight hundred and fifty-four; that is to say,

	£	s.	d.
If imported into Scotland, - - - -	0	6	10
If imported into Ireland, - - - -	0	5	2

And so in proportion for any greater or less Degree of Strength, or any greater or less Quantity of such Spirits imported into Scotland and Ireland respectively.

In lieu of the countervailing Duties of Excise now chargeable on such last-mentioned Spirits under any other Act or Acts in force.

SPIRIT MIXTURES.

For and upon the several Mixtures, Compounds, Preparations, and Commodities next herein-after enumerated or described which, on or after the Eighth Day of May One thousand eight hundred and fifty-four, shall be removed from Scotland or Ireland to England, or from Ireland to Scotland, the several Sums of Money and Duties of Excise herein-after respectively inserted and set forth, in lieu of the respective Duties of Excise now payable thereon under any other Act or Acts in force; that is to say,

Articles enumerated. For every Gallon thereof removed.	Countervailing Duties. From Scotland to England.			From Ireland to England.			From Ireland to Scotland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Ether	0	5	5	0	9	7	0	4	2
Sweet Spirits of Nitre	0	3	3	0	5	9	0	2	6
Camphorated Spirits									
Lavender Water, and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients									
Compound Spirits of Lavender									
Spirits of Rosemary									
Spirits of Ammonia									
Sal Volatile									
Friar's Balsam									
Compound Tincture of Benzoin									
Tincture of Assafœtida									
Tincture of Castor									
Tincture of Kino									
Tincture of Guiacum									
Tincture of Myrrh									
Tincture of Ginger									
Spirit Varnishes									
Other Tinctures and Medicated Spirits	0	2	2	0	3	10	0	1	8
Made Wines	0	0	3¼	0	0	5½	0	0	2½

SUGAR,

Used in the Brewing of Beer.

	Duty. £	s.	d.
For and upon every Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight, of all Sugar which after the Tenth Day of May One thousand eight hundred and fifty-four shall be used by any Brewer of Beer for Sale in the brewing or making of Beer -	0	5	2

In lieu of the Duty of Excise chargeable on such Sugar under the Third Section of the Act 13 & 14 Vict. c. 67, but over and above all other Duties, whether of Excise or Customs.

SCHE-

SCHEDULE (B.)

ALLOWANCES AND DRAWBACKS.

	Allowance or Drawback.		
	£	s.	d.
For and upon every Gallon of Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity or any greater or less Degree of Strength, distilled in Scotland from Malt only, which shall be mashed on or after the Eighth Day of May One thousand eight hundred and fifty-four, and which Spirits shall be distilled at the Rate of Two Gallons of such Spirits for every Bushel of Barley Malt, or One Bushel and Three Tenth Parts of a Bushel of Malt made from Bear or Bigg, the Allowance of - - - - - - -	0	1	4
In lieu of all Allowances granted on such Spirits by any other Act or Acts now in force.			
Provided always, that if the Quantity of Malt mashed and used in the Production of such Spirits shall be less than after the Rate of One Bushel of Barley Malt, or One Bushel and Three Tenth Parts of a Bushel of Malt made from Bear or Bigg, for every Two Gallons of Proof Spirits charged with Duty a Deduction from the Amount of such Allowance shall be made after the Rate of Four Shillings for every Bushel of Barley Malt, and every Bushel and Three Tenth Parts of a Bushel of Bear or Bigg Malt, which shall respectively be so deficient.			
And for and upon such Spirits distilled in Scotland from Malt only, and on which the Allowance aforesaid shall have been made, and which said Spirits shall be duly removed from Warehouse for Exportation or for Use as Ships Stores, and be duly exported or shipped as Stores under and according to the Laws and Regulations of Customs in such respect, over and above the Allowance aforesaid, and in lieu of the Drawback granted and payable under the Eleventh Section of the Act 11 & 12 Vict. c. 122., for every Gallon of such Spirits actually exported or shipped as Stores as aforesaid, a Drawback of - - -	0	0	8
And for and upon every Gallon of Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity, or any greater or less Degree of Strength, distilled in England or Ireland for Exportation only or for Use as Ships Stores, from Malt only, mashed on or after the said last-mentioned Day, in lieu of the Allowance on such Spirits granted and payable under the Thirteenth Section of the Act 11 & 12 Vict. c. 122., an Allowance of	0	1	4
And for and upon such Spirits distilled in England or Ireland from Malt only, and which shall be duly removed from Warehouse for Exportation or for Use as Ships Stores, and be duly exported or shipped as Stores under and according to the Laws and Regulations of the Customs in such respect, over and above the Allowance aforesaid, and in lieu of the Drawback granted and payable under the said Thirteenth Section			

	Allowance or Drawback.		
	£	s.	d.
Section of the Act 11 & 12 Vict. c. 122., for every Gallon of such Spirits actually exported or shipped as Stores as aforesaid, a Drawback of - - - -	0	0	8
And for and upon all British Spirits distilled or made from any other Materials than Malt only, such Materials being mashed on or after the Eighth Day of May One thousand eight hundred and fifty-four, and which Spirits shall have been duly warehoused in any Warehouse in the United Kingdom, and removed therefrom for exportation or for Use as Ships Stores, in Lieu of the Drawback granted and payable under the Fourteenth Section of the said Act 11 & 12 Vict. c. 122., for every Gallon at Proof of such Spirits actually exported or shipped as Stores as aforesaid, a Drawback of - - - - - -	0	0	2
And for and in respect of all Sugar and Molasses actually received and used on or after the Eighth Day of May One thousand eight hundred and fifty-four, in the brewing or making of Worts or Wash brewed or made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle, or Malt or Grain, and distilled into Spirits by any distiller in England, Scotland, or Ireland, an Allowance after the Rate of Fifteen per Centum on the Amount of the Allowances granted in respect of such Sugar and Molasses respectively, and specified in the respective Schedules (A.) and (B.) annexed to the Act 11 & 12 Vict. c. 100., in addition to such Allowances respectively.			
And for and upon all Mixtures, Compounds, Preparations, and Commodities next herein-after enumerated or described, which, on or after the Eighth Day of May One thousand eight hundred and fifty-four, shall be removed from England to Scotland or Ireland, or from Scotland to Ireland, the several Drawbacks of Excise respectively herein-after inserted and set forth, in lieu of the respective Drawbacks of Excise now payable thereon under any other Act or Acts in force; that is to say,			

TABLE.

Articles enumerated. For every Gallon thereof removed.	Countervailing Drawbacks.								
	From England to Scotland.			From England to Ireland.			From Scotland to Ireland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Ether	0	5	5	0	9	7	0	4	2
Sweet Spirits of Nitre Camphorated Spirits Lavender Water, and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients Compound Spirits of Lavender Spirits of Rosemary Spirits of Ammonia Sal Volatile Friar's Balsam Compound Tincture of Benzoin Tincture of Assafœtida Tincture of Castor Tincture of Kino Tincture of Guiacum Tincture of Myrrh Tincture of Ginger Spirit Varnishes	0	3	3	0	5	9	0	2	6
Other Tinctures and Medicated Spirits	0	2	2	0	3	10	0	1	8
Made Wines	0	0	3¼	0	0	5½	0	0	2½

And for and upon Every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity, of Beer brewed or made after the Eighth Day of May One thousand eight hundred and fifty-four by any entered or Licensed Brewer of Beer for sale in the United Kingdom, in the Brewing of which Beer the Worts used before Fermentation were of the Specific Gravity herein-after mentioned, and which shall be duly exported from any Part of the United Kingdom to Foreign Parts as Merchandise, in lieu of all other Drawbacks on such Beer granted by any other Act or Acts now in force, the Drawback herein-after specified and set forth; that is to say, when the original Gravity of such Worts was not less than

Specific Gravity.	Drawback.		
	£	s.	d.
1·041	0	6	0
1·054	0	8	0
1·068	0	10	0
1·081	0	12	0
1·095	0	14	0
1·108	0	16	0
1·122	0	18	0

SCHE-

SCHEDULE (C.)

DUTIES.

SPIRITS (SCOTLAND.)

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof, which on or after the Twenty-sixth Day of May One thousand eight hundred and fifty-four shall be distilled in Scotland, or be in the Stock, Custody, or Possession of any Distiller in Scotland, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled in England, Scotland, or Ireland, shall on or after the last-mentioned Day be in Warehouse in Scotland, and be taken out of Warehouse for Consumption in Scotland, or which, having been taken out of Warehouse in England for Removal to Scotland, shall on or after the said last-mentioned Day be brought into Scotland, the additional Duty of Fourpence, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity of such Spirits, to be charged and paid in addition to all Duties thereon payable under any other Act or Acts in force, and in addition also to the Duty thereon contained in Schedule (A.) of this Act.

Channel Islands.

For and upon all Spirits of the Nature or Quality of plain British Spirits, manufactured or distilled in the Islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported from any of the said Islands into Scotland, an additional countervailing Duty of Fourpence for every Gallon of such last-mentioned Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity of such Spirits, to be charged and paid on and after the Twenty-sixth Day of May One thousand eight hundred and fifty-four, in addition to the Countervailing Duty thereon contained in Schedule (A.) of this Act.

SPIRIT MIXTURES.

For and upon the several Mixtures, Compounds, Preparations, and Commodities herein-after enumerated or described, which on or after the Twenty-sixth Day of May One thousand eight hundred and fifty-four shall be removed from Scotland or Ireland to England, or from Ireland to Scotland, the several Sums of Money and Duties of Excise hereinafter respectively inserted and set forth to be charged and paid in lieu of the respective Duties thereon contained in Schedule (A.) of this Act; (that is to say),

Articles enumerated. For every Gallon thereof removed.	Countervailing Duties.								
	From Scotland to England.			From Ireland to England.			From Ireland to Scotland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Ether	0	4	7	0	9	7	0	5	0
Sweet Spirits of Nitre	0	2	9	0	5	9	0	3	0
Camphorated Spirits									
Lavender Water, and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients									
Compound Spirits of Lavender									
Spirits of Rosemary									
Spirits of Ammonia									
Sal Volatile									
Friar's Balsam									
Compound Tincture of Benzoin									
Tincture of Assafœtida									
Tincture of Castor									
Tincture of Kino									
Tincture of Guiacum									
Tincture of Myrrh									
Tincture of Ginger									
Spirit Varnishes									
Other Tinctures and Medicated Spirits	0	1	10	0	3	10	0	2	0
Made Wines	0	0	2¾	0	0	5½	0	0	3

SCHEDULE (D.)

ALLOWANCES AND DRAWBACKS.

For and in respect of all Sugar and Molasses actually used after the Fifth Day of July One thousand eight hundred and fifty-four in the brewing or making of Worts or Wash brewed or made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle or Malt or Grain, and distilled into Spirits by any Distiller in England, Scotland, or Ireland, an Allowance after the Rate of Nine Shillngs and Fourpence for every One hundred and twelve Pounds of Sugar so used, and after the Rate of Three Shillings and Twopence Halfpenny for every One hundred and twelve Pounds of Molasses so used, to be allowed and paid in lieu of the Allowances in respect of such Sugar and

Molasses respectively contained in Schedule (B.) of this Act.

For and upon all Mixtures, Compounds, Preparations, and Commodities next herein-after enumerated or described, which on or after the Twenty-sixth Day of May One thousand eight hundred and fifty-four shall be removed from England to Scotland or Ireland, or from Scotland to Ireland, the several Drawbacks of Excise herein-after inserted and set forth to be allowed and paid in lieu of the respective Drawbacks thereon contained in Schedule (B.) of this Act; that is to say,

Articles enumerated. For every Gallon thereof removed.	Countervailing Drawbacks.								
	From England to Scotland.			From England to Ireland.			From Scotland to Ireland.		
	£	s.	d.	£	s.	d.	£	s.	d.
Ether	0	4	7	0	9	7	0	5	0
Sweet Spirits of Nitre	0	2	9	0	5	9	0	3	0
Camphorated Spirits									
Lavender Water, and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients									
Compound Spirits of Lavender									
Spirits of Rosemary									
Spirits of Ammonia									
Sal Volatile									
Friar's Balsam									
Compound Tincture of Benzoin									
Tincture of Assafœtida									
Tincture of Castor									
Tincture of Kino									
Tincture of Guiacum									
Tincture of Myrrh									
Tincture of Ginger									
Spirit Varnishes									
Other Tinctures and Medicated Spirits	0	1	10	0	3	10	0	2	0
Made Wines	0	0	2¾	0	0	5½	0	0	3

CAP. XXVIII.

An Act to alter and amend certain Duties of Customs. —[3d July 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties of Customs herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties now chargeable on Articles herein mentioned to cease, and following Duties to be charged.

I. The Duties of Customs now chargeable on the Articles next herein-after mentioned imported into *Scotland* and *Ireland* shall cease and determine, and in lieu thereof the following Duties of Customs shall be charged, on and after the Eighth Day of *May* One Thousand eight hundred and fifty-four; *viz.*

SPIRITS OR STRONG WATERS.

For every Gallon of such Spirits or Strong Waters of any Strength not exceeding the Strength of Proof by *Sykes'* Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, *viz.* Spirits or Strong Waters the Produce of any *British* Possession in *America*, or the Island of *Mauritius*, not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer:—

	Duty per Gallon.		
	£	*s.*	*d.*
Rum:—			
If imported into *Scotland* . . .	0	6	0
If imported into *Ireland* . . .	0	4	4
Spirits other than Rum:—			
If imported into *Scotland* . . .	0	6	0
If imported into *Ireland* . . .	0	4	4

Rum, the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, in regard to which the Conditions of the Act of the Fourth *Victoria*, Chapter Eight, have or shall have been fulfilled, not being sweetened Spirits or Spirits so mixed as aforesaid:—

	£	*s.*	*d.*
If imported into *Scotland* . . .	0	6	0
If imported into *Ireland* . . .	0	4	4

Rum Shrub, however sweetened, the Produce of and imported from such Possessions qualified as aforesaid, or of and from any *British* Possession in *America*, or the Island of *Mauritius*:—

	£	*s.*	*d.*
If imported into *Scotland* . . .	0	6	0
If imported into *Ireland* . . .	0	4	4

Additional Duty of Customs on Sugar.

II. On and after the Ninth Day of *May* One thousand eight hundred and fifty-four, there shall be charged on all Sugar, in addition to the Duty payable by Law thereon, a further Duty of Customs of Fifteen Pounds *per Centum* upon the Produce and Amount of the Duty so payable.

Additional Duty of Customs on Molasses.

III. On and after the Tenth Day of *May* One thousand eight hundred and fifty-four, there shall be charged on Molasses, in addition to the Duty payable by Law thereon, a further Duty of Customs of Fifteen Pounds *per Centum* upon the Produce and Amount of the Duty so payable.

And as to pre-existing Contracts:

As to pre-existing Contracts

IV. Every Person who may, before the Day on which the Duty under this Act is made payable on any of the said Articles, have entered into any Contract or Agreement for the Delivery of any such Article on or after the Day on which such Duty is made payable on such Article, is hereby empowered to add to the contracted Price of such Article such a Sum of Money as will be equivalent to the increased or further Duty, as the Case may be, by this Act made payable thereon, and shall be entitled by virtue of this Act to be paid for the same accordingly.

CAP. XXIX.

An Act to alter the Duties of Customs on Sugar, Molasses, and Spirits.—[10th July 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the Supplies to Defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Duties of Customs herein respectively mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Duties of Customs on Sugar and Molasses to be levied after 5th July 1854.

I. That from and after the Fifth Day of *July* One thousand eight hundred and fifty-four there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in lieu and instead of the Duties payable by Law on Sugar and Molasses, the several Duties of Customs, as follows; viz.

	s.	*d.*
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, until the Second Day of *August* One thousand eight hundred and fifty-four inclusive, for every Hundredweight - - - - -	17	4
And from and after that Day, for every Hundredweight - - - - - -	16	0
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined, for every Hundredweight - - -	14	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado, or Brown Clayed, and not equal to White Clayed, for every Hundredweight - - - - - -	12	0
Brown Muscovado, or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar, for every Hundredweight -	11	0
Molasses, for every Hundredweight - -	4	3

Commissioners of Customs to provide Standard Samples of White Clayed Sugar and Brown Clayed Sugar.

II. For facilitating the due Assessment of Duties on White Clayed Sugar, or Sugar rendered by any Process equal to White Clayed, and on Yellow Muscovado, Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed Sugar, with reference to Colour, Grain, and Saccharine Matter, considered collectively as they affect the general Quality of such Sugars, the Commissioners of Customs shall provide and renew from Time to Time Samples of White Clayed Sugar and of Sugar rendered equal in Quality to White Clayed Sugar, and of Yellow Muscovado or Brown Clayed Sugar, which shall be deemed to be Standard Samples for the Purpose of comparing therewith Sugars entered for Home Consumption; and no Sugar shall as regards the Payment of Duty be deemed to be White Clayed Sugar or Sugar rendered by any Process equal to White Clayed Sugar, unless equal to the Standard Samples of White Clayed Sugar or of Sugar rendered equal in Quality to White

Clayed Sugar, or be deemed to be Yellow Muscovado or Brown Clayed Sugar, or Sugar rendered by any Process equal to Yellow Muscovado or Brown Clayed Sugar, unless equal to the Standard Sample of Yellow Muscovado or Brown Clayed Sugar: It shall also be lawful for the Commissioners of Customs, if the Commissioners of Her Majesty's Treasury shall so direct, to furnish separate Samples for the Assessment of the Duties on Yellow Muscovado and on Brown Clayed Sugars, and also for the Assessment of the Duties upon Refined Sugar.

Drawbacks on Refined Sugar exported to the Isle of Man.

III. In lieu of the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, the following Bounties or Drawbacks shall be allowed, from and after the Fifth Day of *July* One thousand eight hundred and fifty-four, on the Exportation or on the Removal to the *Isle of Man* for Consumption there of the several Descriptions of Refined Sugar herein-after mentioned; (that is to say,)

	s.	*d.*
Upon Refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or such Sugar pounded, crushed, or broken, or Sugar Candy, the Hundredweight - -	15	0
Upon Bastard or Refined Sugar broken in Pieces, or being ground or powdered Sugar, or such Sugar pounded or crushed, or broken, for every Hundredweight - - - -	11	0

Her Majesty by Orders in Council may vary or alter Bounties and Drawbacks.

IV. It shall be lawful for Her Majesty by Order in Council, at any Time or Times before the First Day of *July* One thousand eight hundred and fifty-five, to alter or vary the Bounties or Drawbacks made payable by this Act, or to substitute others in lieu thereof, or apportion them with reference to the Qualities or Kinds of Sugar upon which the same shall by such Order or Orders in Council be allowed or made payable.

Orders in Council to be published in the London Gazette, and laid before Parliament.

V. Every Order in Council made under the authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette;* and a Copy of every Order in Council so made shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Repeal of certain Parts of Customs Consolidation Act.

VI. So much of Sections One hundred and seven and One hundred and eight of the Customs Consolidation Act as permits or relates to the Delivery from the Warehouse, without Payment

ment of Duty, of Sugar for the Purpose of being refined in Bonded Sugar Houses, is hereby repealed.

Existing Bonds to remain in force.

VII. All existing Bonds entered into under Section One hundred and eight are to remain in force until the Conditions thereof, or the Objects of this Act, so far as such Conditions are hereby varied, are complied with.

After 25th June 1854 no Sugar to be taken into Bonded Sugar House to be refined.

VIII. From and after the Twenty-fifth Day of *June* One thousand eight hundred and fifty-four no Sugar shall be taken into any Bonded Sugar House for the Purpose of being refined, nor shall any raw Sugar which shall then be in any such Refinery be melted or otherwise dealt with for the Purpose of or in order to the Refinement thereof.

All Sugar, &c. refined before 2d July next to be removed to and deposited in some approved Warehouse.

IX. All sugar which shall have been refined in such Bonded Sugar Houses before the Second Day of *July* next, and all Treacle or other produce thereof, shall be removed to and deposited in some approved Warehouse under and subject to the same Rates of Duty, Laws, and Regulations as are then in force with reference to Sugar imported from any Foreign Country, so far as the same are applicable.

Officers of Customs to take Stocks of Sugar Refiners.

X. Immediately after the Second Day of *July* One thousand eight hundred and fifty-four, and before any further Supply of Sugar shall be taken into any such Sugar House, an Account of the Stock remaining therein shall be taken by the Officers of Customs, under such Regulations as the Commissioners of Customs shall direct, of all Sugar, Molasses, Syrup, or other Materials in Process of refining, and the Duty due thereon shall be forthwith assessed and paid, according to the relative Qualities thereof, under the Directions of the Commissioners of Customs.

Sugar Refiners to have the Option of working up their Stock without taking in Sugar in the meantime.

XI. Provided always, That if any Occupier or Proprietor of any such Sugar House shall, on the Twenty-fifth Day of *June*, elect to refine and work up all the Sugar on Hand in such Sugar House without taking in any other Sugar in the meantime, he shall have the Option of so doing, and of warehousing the same, on or before the Tenth Day of *August* One thousand eight hundred and fifty-four, for Home Consumption, upon Payment of the Proper Duties thereon, or for Exportation.

Additional Duties of Customs to be levied on Spirits imported into Scotland.

XII. On and after the Twenty-sixth Day of *May* One thousand eight hundred and fifty-four there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, for and upon the Articles under mentioned imported into *Scotland*, the Duties of Customs herein-after specified, in addition to the Duties now chargeable thereon under any Act or Acts in force, and in addition to any Duties granted in the present Session of Parliament; (that is to say,)

Spirits

	s.	d.
Spirits or Strong Waters, the Produce of any *British* Possession in *America*, or the Island of *Mauritius*, not being sweetened Spirits or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by *Sykes*'s Hydrometer - -	0	4
Rum, the Produce of any *British* Possession within the Limits of the *East India* Company's Charter in regard to which the Conditions of the Act 4 *Vict.* c. 8. have or shall have been fulfilled, not being sweetened Spirits or Spirits so mixed as aforesaid - - - - - -		
Rum Shrub, however sweetened, the Produce of and imported from such Possessions, qualified as aforesaid, or of or from any *British* Possession in *America*, or the Island of *Mauritius* -		
For every Gallon of such Spirits or strong Waters of any Strength not exceeding the Strength of Proof by *Sykes*'s Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon - - -		

CAP. XXX.

An Act for granting certain Duties of Excise on Sugar made in the United Kingdom.—[10th July 1854.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties of Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In lieu of the Duties of Excise on Sugar made in the United Kingdom now payable under any other Act or Acts in force, Grants of Duties of Excise on Sugar.

force, there shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Twenty-sixth Day of *May* One thousand eight hundred and fifty-four, on Sugar made in the United Kingdom, the several Sums of Money and Duties of Excise herein-after inserted, described, and set forth; (that is to say,)

	£	*s.*	*d.*
On Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Hundredweight .	0	16	0
On White Clayed, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal to Refined, for every Hundredweight . . .	0	14	0
On Yellow Muscovado and Brown Clayed, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed, according to a Standard to be furnished by the Commissioners of her Majesty's Treasury, for every Hundredweight . . .	0	12	0
On Brown Muscovado, and any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar, according to a Standard to be furnished by the said Commissioners, for every Hundredweight .	0	11	0
On Molasses, for every Hundredweight .	0	4	6

And so in proportion for any greater or less Quantity than a Hundredweight.

Grant of Duties on Sugar used in the brewing of Beer, and on Licenses to Brewers to use Sugar.

II. There shall also be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Fifth Day of *July* One thousand eight hundred and fifty-four, on Sugar used in the brewing or making of Beer, and on Licenses to use Sugar in the brewing or making of Beer, the several Sums of Money and Duties of Excise herein-after inserted, described, and set forth; (that is to say,)

For and upon all Sugar which, on and after the Sixth Day of *July* One thousand eight hundred and fifty-four, shall be used in any part of the United Kingdom by any Brewer of Beer for Sale in the brewing or making of Beer, the Duty of Six Shillings and Sixpence for every Hundredweight, and so in proportion for any greater or less Quantity than a Hundredweight of such Sugar, to be payable and paid by such Brewer in lieu of the Duty of Excise chargeable thereon under the Third Section

tion of the Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Sixty-seven, or of any Duty of Excise substituted for the last-mentioned Duty by any Act of the present Session of Parliament, but over and above all other Duties whether of Excise or Customs:

And for and upon every Licence to be taken out annually by every Brewer of Beer for Sale, who shall intend to use any Sugar in the brewing or making of Beer, the Duty of Twenty Shillings.

New Duty to be raised and levied in the same Manner as other Excise Duties;

and Powers and Penalties of all Excise Acts to apply to this Act.

III. The said Duties by this Act granted shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, applied, and accounted for under the Provisions of the Act passed in the First Year of Her Majesty's Reign, Chapter Fifty-seven, and in such and the like Manner, and in and by the same Means, Ways, or Methods by which any other Duties of Excise are or may be charged, raised, levied, collected, applied, and accounted for; and the said first-recited Act, and all and every other Act or Acts relating to the Duties of Excise on Sugar, and all and every Fines, Pain, Penalty, and Forfeitures, Pains, and Penalties, for any Offence against or in breach of the said Acts, or any other Act or Acts, for securing the Duties of Excise, or for the Regulation thereof, in force immediately before the passing of this Act, and the several Clauses, Powers, and Directions therein contained, shall and the same are hereby directed and declared to extend to, and shall be applied, practised, and put in execution for and in respect of the Duties of Excise by this Act granted, in as full and ample a Manner as if all and every the said Act and Acts, Clauses, Provisions, Powers, Directions, Fines, Forfeitures, Pains, and Penalties were repeated and re-enacted in this Act with reference to the said Duties hereby granted.

Brewers intending to use Sugar to take out Licence for that Purpose.

IV. Every Brewer of Beer for Sale intending to use Sugar in the brewing or making of Beer shall take out a Licence in that Behalf under this Act, and shall pay the Duty charged on such Licence; and every such Licence shall be in such Form as the Commissioners of Inland Revenue shall direct, and shall be granted by the proper Officers of Excise duly authorized to grant Licences under any Law of Excise; and every such Licence shall expire on the Tenth Day of *October* next after the granting thereof, and shall be renewed annually in like Manner as other Excise Licences are by Law required to be renewed.

Commissioners of Inland Re-

V. It shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Regulations for the venue to make Regulations for using Sugar in the brewing of Beer.

Brewers not to use Sugar contrary to Regulations, or without Licence.

the using of Sugar in the brewing or making of Beer as they may deem to be expedient and proper for securing the Duty by this Act granted upon Sugar so used; and from and after the Fifth Day of *July* One thousand eight hundred and fifty-four it shall not be lawful for any Brewer of Beer for Sale, otherwise than in accordance with such Regulations, nor without having taking out such Licence as by this Act is required in that Behalf, to make use of any Sugar in the brewing or making of Beer, or in the preparing or making any Liquor or other Preparation for darkening the Colour of Worts or Beer, or to use or have in his Custody or Possession any such Liquor or Preparation, prepared or made from Sugar, under pain of the several Penalties and Forfeitures in that Behalf contained in the several Acts passed respectively in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Fifty-eight, and in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, anything contained in an Act passed in the Tenth Year of Her Majesty's Reign, Chapter Five, or any other Act or Acts, to the contrary thereof in anywise notwithstanding; and if any Brewer of Beer for Sale who shall not have taken out such Licence as aforesaid shall at any Time after the Fifth Day of *July* One thousand eight hundred and fifty-four receive or take into or have in his Custody or Possession any Sugar (except for the necessary and ordinary Use of his Family, the Proof whereof shall lie on such Brewer,) the same shall be forfeited, and such Brewer shall be subject in respect thereof to the like Penalties and Forfeitures contained in the several Acts before mentioned.

Brewers to make Entry of Premises for storing or using Sugar.

VI. Every Brewer of Beer for Sale intending to use Sugar in the brewing or making of Beer, or in the preparing or making of any Liquor or other Preparation for darkening the Colour of Worts or Beer, shall make a true and particular Entry in Writing, signed by him, of his Name and Place of Abode, and of every Building, Warehouse, Storehouse, Shop, Room, or Place intended to be made use of by him for the keeping or storing of Sugar, or of using the same in the brewing or making of Beer, or in the preparing or making of any Liquor or other Preparation for darkening the Colour of Worts or Beer; and every such Entry shall be delivered to the proper Officer of Excise authorized to receive the same; and in every such Entry every Building, Warehouse, Storehouse, Shop, Room, and Place shall be distinguished by a particular Number or Letter, or Number and Letter, and the Purpose for which the same is intended to be used shall be specified and described; and every such Entry shall also set forth the Place where any such Building or other Premises as aforesaid shall be situated; and if any Sugar shall be found in any Building, Warehouse, Storehouse, Shop, Room, or Place of or belonging to any Brewer of Beer for Sale, and of which such Entry as herein directed has not been made, such Sugar shall be forfeited, and may be seized by any Officer of Excise, and such Brewer shall be subject and liable to the Penalty imposed by the Sixth Section of the Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Fifty-one, for every such unentered Building, Warehouse, Storehouse, Shop, Room, or Place.

Brewers using Sugar to enter in the proper Book the Hour at which they intend to mash or dissolve Sugar.

VII. Every Brewer of Beer for Sale shall, in addition to the several Particulars which by the Laws in force he is required to enter in the Book or Paper provided for the Purpose of entering therein the Quantity of Malt and Sugar respectively used or intended to be used by him in the brewing of Beer, enter or cause to be entered in such Book or Paper the particular Hour of the Day at which he intends to mash any Malt or to dissolve any Sugar; and such Entry shall be made Twenty-four hours at the least before he shall begin to mash any Malt or to dissolve any Sugar, under the like Penalty for any Refusal or Neglect to make such Entry as is hereby directed to be made in such Book or Paper, or for cancelling, obliterating, or altering the same, as by the Laws in force such Brewer is subject or liable to for any Refusal or Neglect to make any other Entry therein, or for cancelling, obliterating, or altering any such other Entry.

CAP. XXXI.

An Act for the better Regulation of the Traffic on Railways and Canals.—[10th July 1854.]

WHEREAS it is expedient to make better Provision for regulating the Traffic on Railways and Canals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

"Board of Trade:"

I. In the Construction of this Act "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations:

"Traffic:"

The word "Traffic" shall include not only Passengers, and their Luggage, and Goods, Animals, and other Things conveyed by any Railway Company or Canal Company, or Railway and Canal Company, but also Carriages, Waggons, Trucks, Boats, and Vehicles of every Description adapted for running or passing on the Railway or Canal of any such Company:

"Railway:" The Word "Railway" shall include every Station of or belonging to such Railway used for the Purposes of public Traffic: and,

"Canal." The Word "Canal" shall include any Navigation whereon Tolls are levied by Authority of Parliament, and also the Wharves and Landing Places of and belonging to such Canal or Navigation, and used for the Purposes of public Traffic:

"Company." The expression "Railway Company," "Canal Company," or "Railway and Canal Company," shall include any Person being the Owner or Lessee of or any Contractor working any Railway or Canal or Navigation constructed or carried on under the Powers of any Act of Parliament:

Stations. A Station, Terminus, or Wharf shall be deemed to be near another Station, Terminus, or Wharf when the Distance between such Stations, Termini, or Wharves shall not exceed One Mile, such Stations not being situate within Five Miles from *St Paul's* Church, in *London*.

Duty of Railway Companies to make Arrangements for receiving and forwarding Traffic, without unreasonable Delay, and without Partiality.

II. Every Railway Company, Canal Company, and Railway and Canal Company, shall, according to their respective Powers, afford all reasonable Facilities for the receiving and forwarding and delivering of Traffic upon and from the several Railways and Canals belonging to or worked by such Companies respectively, and for the Return of Carriages, Trucks, Boats, and other Vehicles, and no such Company shall make or give any undue or unreasonable Preference or Advantage to or in favour of any particular Person or Company, or any particular Description of Traffic, in any respect whatsoever, nor shall any such Company subject any particular Person or Company, or any particular Description of Traffic, to any undue or unreasonable Prejudice or Disadvantage in any respect whatsoever; and every Railway Company and Canal Company and Railway and Canal Company having or working Railways or Canals which form Part of a continuous Line of Railway or Canal or Railway and Canal Communication, or which have the Terminus, Station, or Wharf of the one near the Terminus, Station, or Wharf of the other, shall afford all due and reasonable Facilities for receiving and forwarding all the Traffic arriving by one of such Railways or Canals by the other, without any unreasonable Delay, and without any such

Preference or Advantage, or Prejudice or Disadvantage, as aforesaid, and so that no Obstruction may be offered to the Public desirous of using such Railways or Canals or Railways and Canals as a continuous Line of Communication, and so that all reasonable Accommodation may, by means of the Railways and Canals of the several Companies, be at all Times afforded to the Public in that Behalf.

Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Motion or Summons to the Superior Courts.

III. It shall be lawful for any Company or Person complaining against any such Companies or Company of anything done, or of any Omission made in Violation or Contravention of this Act, to apply in a summary Way, by Motion or Summons, in *England*, to Her Majesty's Court of Common Pleas at *Westminster*, or in *Ireland* to any of Her Majesty's Superior Courts in *Dublin*, or in *Scotland* to the Court of Session in *Scotland* as the Case may be, or to any Judge of any such Court; and, upon the Certificate to Her Majesty's Attorney General in *England* or *Ireland*, or Her Majesty's Lord Advocate in *Scotland*, of the Board of Trade alleging any such Violation or Contravention of this Act by any such Companies or Company, it shall also be lawful for the said Attorney General or Lord Advocate to apply in like Manner to any such Court or Judge, and in either of such Cases it shall be lawful for such Court or Judge to hear and determine the Matter of such Complaint; and for that Purpose, if such Court or Judge shall think fit, to direct and prosecute, in such Mode and by such Engineers, Barristers, or other Persons as they shall think proper, all such Inquiries as may be deemed necessary to enable such Court or Judge to form a just Judgment on the Matter of such Complaint; and if it be made to appear to such Court or Judge on such Hearing, or on the Report of any such Person, that anything has been done or Omission made, in Violation or Contravention of this Act, by such Company or Companies, it shall be lawful for such Court or Judge to issue a Writ of Injunction or Interdict, restraining such Company or Companies from further continuing such Violation or Contravention of this Act, and enjoining Obedience to the same; and in case of Disobedience of any such Writ of Injunction or Interdict it shall be lawful for such Court or Judge to order that a Writ or Writs of Attachment, or any other Process of such Court incident or applicable to Writs of Injunction or Interdict, shall issue against any One or more of the Directors of any Company, or against any Owner, Lessee, Contractor, or other Person failing to obey such Writ of Injunction or Interdict; and such Court or Judge may also, if they or he shall think fit, make an Order directing the Payment by any One or more of such Companies of such Sum of

Money as such Court or Judge shall determine, not exceeding for each Company the Sum of Two Hundred Pounds for every Day, after a Day to be named in the Order, that such Company or Companies shall fail to obey such Injunction or Interdict; and such Monies shall be payable as the Court or Judge may direct, either to the Party complaining, or into Court to abide the ultimate Decision of the Court, or to Her Majesty, and Payment thereof may, without Prejudice to any other Mode of recovering the same, be enforced by Attachment or Order in the Nature of a Writ of Execution, in like Manner as if the same had been recovered by Decree or Judgment in any Superior Court at *Westminster* or *Dublin*, in *England* or *Ireland*, and in *Scotland* by such Diligence as is competent on an extracted Decree of the Court of Session; and in any such Proceeding as aforesaid, such Court or Judge may order and determine that all or any Costs thereof or thereon incurred shall and may be paid by or to the One Party or the other, as such Court or Judge shall think fit; and it shall be lawful for any such Engineer, Barrister, or other Person, if directed so to do by such Court or Judge, to receive Evidence on Oath relating to the Matter of any such Inquiry, and to administer such Oath.

Judges may make such Regulations as may be necessary for Proceedings under this Act.

IV. It shall be lawful for the said Court of Common Pleas at *Westminster*, or any Three of the Judges thereof, of whom the Chief Justice shall be One, and it shall be lawful for the said Courts in *Dublin*, or any Nine of the Judges thereof, of whom the Lord Chancellor, the Master of the Rolls, the Lords Chief Justice of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, shall be Five, from Time to Time to make all such General Rules and Orders as to the Forms of Proceedings and Process, and all other Matters and Things touching the Practice and otherwise in carrying this Act into execution before such Courts and Judges as they may think fit, in *England* or *Ireland*, and in *Scotland* it shall be lawful for the Court of Session to make such Acts of Sederunt for the like purpose as they shall think fit.

Court or Judge may order a Rehearing.

V. Upon the Application of any Party aggrieved by the Order made upon any such Motion or Summons as aforesaid, it shall be lawful for the Court or Judge by whom such Order was made, to direct, if they think fit so to do, such Motion or Application on Summons to be reheard before such Court or Judge, and upon such Rehearing to rescind or vary such Order.

Mode of Proceeding under this Act.

VI. No Proceeding shall be taken for any Violation or Contravention of the above Enactments, except in the Manner herein provided; but nothing herein contained shall take away or diminish any Rights, Remedies, or Privileges of any Person or Company against any Railway or Canal or Railway and Canal Company under the existing Law.

Company to be liable for Neglect or Default in the Carriage of Goods, notwithstanding Notice to the contrary.

VII. Every such Company as aforesaid shall be liable for the Loss of or for any Injury done to any Horses, Cattle, or other Animals, or to any Articles, Goods, or Things, in the receiving, forwarding, or delivering thereof, occasioned by the Neglect or Default of such Company or its Servants, notwithstanding any Notice, Condition, or Declaration made and given by such Company contrary thereto, or in anywise limiting such Liability; every such Notice, Condition, or Declaration being hereby declared to be null and void: Provided always, that nothing herein contained shall be construed to prevent the said Companies from making such Conditions with respect to the receiving, forwarding, and delivering of any of the said Animals, Articles, Goods, or Things, as shall be adjudged by the Court or Judge before whom any Question relating thereto shall be tried to be just and reasonable: Provided always, that no greater Damages shall be recovered for the Loss of or for any Injury done to any of such Animals, beyond the Sums hereinafter mentioned; (that is to say,) for any Horse Fifty Pounds; for any Neat Cattle, *per* Head, Fifteen Pounds; for any Sheep or Pigs, *per* Head, Two Pounds; unless the Person sending or delivering the same to such Company shall, at the Time of such Delivery, have declared them to be respectively of higher Value than as above mentioned; in which Case it shall be lawful for such Company to demand and receive by way of Compensation for the increased Risk and Care thereby occasioned, a reasonable Per-centage upon the Excess of the Value so declared above the respective Sums so limited as aforesaid, and which shall be paid in addition to the ordinary Rate of Charge; and such Per-centage or increased Rate of Charge shall be notified in the Manner prescribed in the Statute Eleventh *George* Fourth and First *William* Fourth, Chapter Sixty-eight, and shall be binding upon such Company in the Manner therein mentioned: Provided also, that the Proof of the Value of such Animals, Articles, Goods, and Things, and the Amount of the Injury done thereto, shall in all Cases lie upon the Person claiming Compensation for such Loss or Injury: Provided also, that no special Contract between such Company and any other Parties respecting the receiving, forwarding, or delivering of any Animals, Articles, Goods, or Things as aforesaid shall be binding upon or affect any such Party unless the same be signed by him or by the Person delivering such Animals, Articles, Goods, or Things respectively for Carriage: Provided also, that nothing herein contained

Company not to be liable beyond a limited Amount in certain Cases, unless the Value declared and extra Payment made.

Proof of Value to be on the Person claiming Compensation.

No special Contract to be binding unless signed.

Saving of Carriers.

Act 11 G. 4. & 1. W. 4. c. 68.

contained shall alter or affect the Rights, Privileges, or Liabilities of any such Company under the said Act of the Eleventh *George* Fourth and First *William* Fourth, Chapter Sixty-eight, with respect to Articles of the Descriptions mentioned in the said Act.

Short Title.

VIII. This Act may be cited for all Purposes as "The Railway and Canal Traffic Act, 1854."

CAP. XXXII.

An Act to facilitate the Apportionment of the Rent when Parts of Lands in Lease are taken for the Purposes of the Church Building Acts.—[10th July 1854.] (England.)

CAP. XXXIII.

An Act to place Public Statues within the Metropolitan Police District under the Control of the Commissioners of Her Majesty's Works and Public Buildings.—[10th July 1854.]

CAP. XXXIV.

An Act to enable the Courts of Law in England, Ireland, *and* Scotland *to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.*—[10th July 1854.]

WHEREAS great Inconvenience arises in the Administration of Justice from the Want of a Power in the Superior Courts of Law to compel the Attendance of Witnesses resident in One Part of the United Kingdom at a Trial in another Part, and the Examination of such Witnesses by Commission is not in all Cases a sufficient Remedy for such Inconvenience: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

sent Parliament assembled, and by the Authority of the same, as follows:

Courts of Law in England, Ireland, and Scotland may issue Process to compel the Attendance of Witnesses although not within their Jurisdiction.

I. If, in any Action or Suit now or at any Time hereafter depending in any of Her Majesty's Superior Courts of Common Law at *Westminster* or *Dublin*, or the Court of Session or Exchequer in *Scotland*, it shall appear to the Court in which such Action is pending, or if such Court is not sitting, to any Judge of any of the said Courts respectively, that it is proper to compel the personal Attendance at any Trial of any Witness who may not be within the Jurisdiction of the Court in which such Action is pending, it shall be lawful for such Court or Judge, if in his or their Discretion it shall so seem fit, to order that a Writ called a Writ of Subpœna ad testificandum or of Subpœna duces tecum or Warrant of Citation shall issue in special Form, commanding such Witness to attend such Trial wherever he shall be within the United Kingdom, and the Service of any such Writ or Process in any Part of the United Kingdom shall be as valid and effectual to all Intents and Purposes as if same had been served within the Jurisdiction of the Court from which it issues.

Statement to be made at Foot of Writ that it is issued by special Order.

II. Every such Writ shall have at Foot thereof a Statement or Notice that the same is issued by the Special Order of the Court or Judge, as the Case may be; and no such Writ shall issue without such special Order.

Witnesses making default to be punished by the Courts of the Country in which the Process was served.

III. In case any Person so served shall not appear according to the Exigency of such Writ or Process, it shall be lawful for the Court out of which the same issued, upon Proof made of the Service thereof, and of such Default, to the Satisfaction of the said Court, to transmit a Certificate of such Default under the Seal of the same Court, or under the Hand of One of the Judges or Justices of the same, to any of Her Majesty's Superior Courts of Common Law at *Westminster*, in case such Service was had in *England*, or in case such Service was had in *Scotland* to the Court of Session or Exchequer at *Edinburgh*, or in case such Service was had in *Ireland* to any of Her Majesty's Superior Courts of Common Law at *Dublin*; and the Court to which such Certificate is so sent shall and may thereupon proceed against and punish the Person so having made default in like Manner as they might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna or other Process issued out of such last-mentioned Court.

Persons not to be punished if it shall appear that sufficient

IV. None of the said Courts shall in any Case proceed against or Punish any Person for having made default by not appearing to give Evidence in obedience to any Writ of Subpœna or other Process issued under the Powers given by this

Money has not been tendered to pay Expenses.

this Act, unless it shall be made to appear to such Court that a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna or Process was served upon such Person.

Act not to prevent the issuing of a Commission to examine Witnesses.

V. Nothing herein contained shall alter or affect the Power of any of such Courts to issue a Commission for the Examination of Witnesses out of their Jurisdiction, in any Case in which, notwithstanding this Act, they shall think fit to issue such Commission.

Not to affect the Admissibility of Evidence where now receivable.

VI. Nothing herein contained shall alter or affect the Admissibility of any Evidence at any Trial where such Evidence is now by Law receivable, on the Ground of any Witness being beyond the Jurisdiction of the Court, but the Admissibility of all such Evidence shall be determined as if this Act had not passed.

CAP. XXXV.

An Act to repeal certain Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, concerning the holding of Assizes for the County of Warwick.—[10th July 1854.]

CAP. XXXVI.

An Act for preventing Frauds upon Creditors by secret Bills of Sale of personal Chattels.—[10th July 1854.] (England.)

CAP. XXXVII.

An Act for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in Mauritius.—[10th July 1854.]

CAP. XXXVIII.

CAP. XXXVIII.

An Act for the Suppression of Gaming Houses.—[24th July 1854.] (England.)

CAP. XXXIX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[24th July 1854.]

CAP. XL.

An Act to continue an Act of the last Session of Parliament, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.—[24th July 1854.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurances on Lives*, which Act was limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-four: And whereas it is expedient to continue the said Act for such Period as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 16 & 17 Vict. c. 91.

I. That the said Act shall continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-five, and shall be applicable with respect to the Rate or Duty of One Shilling and Twopence for every Twenty Shillings granted by the Act of the present Session of Parliament, Chapter Twenty-four, in like Manner as to the Rate or Duty of Sevenpence for every Twenty Shillings granted by the Act of the last Session of Parliament, Chapter Thirty-four. Recited Act continued till 5th July 1855.

CAP. XLI.

CAP. XLI.

An Act to continue the Poor Law Board.—[25th July 1854.] (England.)

CAP. XLII.

An Act to continue certain Acts for regulating Turnpike Roads in Ireland.—[24th July 1854.]

CAP. XLIII.

An Act to continue an Act of the Seventeenth Year of Her present Majesty, for charging the Maintenance of Certain poor Persons in Unions in England *and* Wales *upon the Common Fund.*—[24th July 1854.]

CAP. XLIV.

An Act for regulating and maintaining the Harbours of Holyhead, *and for vesting them in the Admiralty.*—[24th July 1854.]

CAP. XLV.

An Act to amend the Dublin *Carriage Act* 1853.—[24th July 1854.]

CAP. XLVI.

An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.—[24th July 1854.]

CAP. XLVII.

An Act to alter and improve the Mode of taking Evidence in the Ecclesiastical Courts of England *and* Wales.—[24th July 1854.]

CAP. XLVIII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England *and* Wales.—[24th July 1854.]

CAP. XLIX.

An Act for the Settlement of Claims upon and over the New Forest.—[24th July 1854.]

CAP. L.

An Act to continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland, *and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.*—[24th July 1854.]

CAP. LI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls.—[31st July 1854.] (England.)

CAP. LII.

An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.—[31st July 1854.] (England.)

CAP. LIII.

An Act to confirm Provisional Orders of the General Board of Health for the Districts of Plymouth, Haworth, Aberdare, Bishop Auckland, Willenhall, *and* Over Darwen.—[31st July 1854.]

CAP. LIV.

An Act to guarantee the Liquidation of a Loan or Loans for the Service of the Colony of Jamaica.—[31st July 1854.]

CAP. LV.

An Act for the Registration of Bills of Sale in Ireland.—[31st July 1854.]

CAP. LVI.

An Act to make further Provisions in relation to certain Friendly Societies.—[31st July 1854.]

WHEREAS certain Friendly Societies were established and enrolled under the Acts passed in the Tenth Year of His late Majesty King *George* the Fourth, Chapter Fifty-six, and the Fourth and Fifth Years of His late Majesty King *William* the Fourth, Chapter Forty, relating to Friendly Societies, or under One of them: And whereas the Scope and Operation of Friendly Societies since the passing of the said Acts have been limited by Law in respect to the Amount for which

10 G. 4. c. 56. 4 & 5 W. 4. c. 40.

which Policies of Assurance payable on the Death of Members of such Societies may be granted; but some of the said Societies, established as aforesaid, and which grant or effect Policies of Assurance payable on Death, have not been so limited, and such last-mentioned Societies have therefore been excluded the Benefit of certain Provisions and Privileges made for and granted to Friendly Societies in respect to Exemption from Stamp Duties and otherwise; and it is desirable that there should be special Provisions made with respect to such of the said Societies so excepted and excluded as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, as follows:

Act to apply only to certain Societies.

I. This Act shall relate to and include such of the said Societies only as grant and effect Policies of Assurance payable at Death exceeding the Sum of One thousand Pounds; and from and after the passing of this Act the said Societies shall cease to be Friendly Societies, and shall not be affected by the Provisions of any Act passed in the present or any future Session of Parliament relating to Friendly Societies, unless therein expressly named.

Acts and Parts of Acts now affecting such Societies to continue in force, except as after provided.

II. The several Provisions contained in the Acts relating to Friendly Societies which were wholly or in part in force on the First Day of this present Session of Parliament with respect to the Societies intended to be affected and provided for by this Act, save and except the Thirty-seventh and Fifty-first Sections of the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and fifteen, shall, so far as they now affect such Societies, remain and be in force and unrepealed with respect to the said Societies, except as is herein-after provided.

No Exemption from Stamp Duties to exist as to Societies affected by this Act.

Such Societies not to assure in favour of Nominees.

III. No Exemption from any of the Duties granted by any Act or Acts relating to Stamp Duties shall, from and after the passing of this Act, extend or be construed to extend to any of the Societies intended to be affected and provided for by this Act; and it shall not be lawful for such Societies, after the passing of this Act, to assure the Payment of any Money on the Death of any Member or Person whomsoever to any Nominee of such Member or Person, but only to the Person or Persons effecting and contracting for any Assurance with the said Societies respectively, or to his, her, or their Executors, Administrators, or Assigns.

Societies affected by this Act

IV. The Societies intended to be affected and provided for by this Act may carry on, transact, and effect all the Business and may effect the Objects allowed by their Rules, and other legal Assurances.

and Purposes which have been from Time to Time and are duly specified in and allowed by the enrolled or certified Rules of the said Societies respectively, and also may grant, make, or effect all such Assurances on Lives, Survivorships, Contingencies, and Events dependent on or connected with Life or otherwise as may by Law be made or effected, and may make such new Rules or Alterations in Rules as shall not be repugnant to Law, without being required to submit the same to the Registrar of Friendly Societies, and shall not be required to transmit to such Registrar any Statement or Return of Sickness or Mortality or of Assets or Liabilities.

Provision for the Investment of the Funds of Societies affected by this Act.

V. The Trustees of the several Societies intended to be affected and provided for by this Act may from Time to Time lay out and invest the Funds of such Societies, as well in the Manner, and upon the Stocks, Funds, and Securities, which are now authorized by Law with regard to such Societies, as also in or upon Exchequer Bonds and Bills, and any Stocks, Funds, or Securities guaranteed by the Government of *Great Britain*, and Bonds of the City of *London*, or on Mortgage, or in the Purchase of any reversionary, contingent, or other Estate or Interest in any Freehold, Leasehold, or Copyhold Property in *Great Britain* or *Ireland*, or of any such Estate or Interest in any of the Stocks, Funds, or Securities herein-before mentioned and referred to respectively, or of any such Estate or Interest in any Sum or Sums of Money secured upon any such Real and Personal Estate as aforesaid, or upon the Security of any Rates, Tolls, Duties, Assessments, Bonds, Stocks, Debentures, or other Securities of any Persons, Body, or Company authorized by Act of Parliament, Charter, or otherwise to be raised, levied, or mortgaged, and also upon Security of any Life Policy or Policies, although the Amount of the Loan may exceed the then present Value thereof, provided the Premiums on such Policy or Policies and the Interest of the Loan be collaterally secured by or upon some of the Securities herein-before mentioned, and shall and may from Time to Time vary and transpose the said Securities so purchased, and sell the same respectively.

Power for Judge or Court to enforce the Attendance of Witnesses before Arbitrators.

VI. All Powers and Provisions of any Act or Acts of Parliament for ordering and enforcing the Attendance of Witnesses before an Arbitrator under any Reference made a Rule of Court, and for punishing Disobedience to any such Order, shall apply to any Arbitration of any Difference or Dispute under or pursuant to the Rules of any of the Societies intended to be affected and provided for by this Act, for which Purpose a Copy of the Resolution of the Board of Directors, or Committee, or Board of Management of any such Society, authorizing such Reference, signed by the Chairman or any Director or the Secretary of such Society, may be made a Rule of any of Her Majesty's Courts at *Westminster*.

Power to purchase and hold Buildings for Offices of Society.

VII. The Trustees for the Time being of any Society intended to be affected and provided for by this Act may from Time to Time, with the Consent of the Board of Directors, or Board or Committee of Management thereof, purchase, hire, or take upon Lease, and adapt and furnish, any Buildings for the Purpose of holding the Meetings and transacting the Business of such Society, and shall hold the same in trust for the Use of such Society, and may, with such Consent as aforesaid, mortgage, sell, exchange, or let the same or any Part thereof; and the Receipt in Writing of such Trustees shall be a valid and legal Discharge for the Money arising from any such Mortgage, Sale, Exchange, or Lease, and for any other Moneys payable to them by virtue of this Act; and no Purchaser, Mortgagee, Lessee, Assignee, or other Person shall be bound to ascertain or show whether any such Consent shall have been given as aforesaid, or be answerable for the Misapplication or Nonapplication of the Moneys in any such Receipt expressed to be received, or be bound to see to the Application thereof: Provided always, that any Building which now belongs to any such Society may be held and dealt with in the same Manner as if it had been acquired under or by virtue of this Act.

Trustees of Friendly Societies not to invest Funds in Savings Banks, &c.

VIII. It shall not be lawful for the Trustees of any Friendly Society coming under the Provisions of this Act to make any Investment of the Funds of such Society either in a Savings Bank, or with the Commissioners for the Reduction of the National Debt: Provided always, that where the Funds or any Part thereof of any such Friendly Society shall be invested in a Savings Bank or with the said Commissioners, such Funds shall be withdrawn from such Savings Bank or from the said Commissioners by the said Trustees within the Space of Twelve Months after the passing of this Act, if required by the said Commissioners.

Short Title.

IX. In citing this Act in other Acts of Parliament, and in legal Proceedings and Instruments, it shall be sufficient to use the Expression "The Friendly Societies Discharge Act, 1854."

Extent of Act.

X. This Act shall extend to *Great Britain* and *Ireland*, and the Islands of *Guernsey*, *Jersey*, and *Man*.

CAP. LVII.

An Act to amend the Law relating to the Appointment of Returning Officers in certain Cases.—[31st July 1854.] (England.)

CAP. LVIII.

An Act to continue certain Turnpike Acts in Great Britain, *and to make further Provisions concerning Turnpike Roads in* England.—[31st July 1854.]

CAP. LIX.

An Act to allow Verdicts on Trials by Jury in Civil Causes in Scotland *to be returned although the Jury may not be unanimous.*—[31st July 1854.]

If Jury unable to agree, and if after Six Hours Nine of the Jury agree, the Verdict of such Nine to be taken.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: From and after the passing of this Act, if upon the Trial by Jury of any Civil Cause in the Court of Session in *Scotland* the Jury are unable to agree upon a Verdict, and if, after having been kept in Deliberation for a Period of Six Hours, Nine of the said Jury shall agree, the Verdict agreed to by such Nine may be returned as the Verdict of the Jury, and shall be taken and shall have the same Force and Effect as if found unanimously by the whole of the said Jury, any Statute to the contrary notwithstanding, and during the said Period they may be furnished with necessary Refreshment by Leave of the Judge.

CAP. LX.

CAP. LX.

An Act to amend an Act of the Twelfth and Thirteenth Years of Her present Majesty for the more effectual Prevention of Cruelty to Animals.—[31st July 1854.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto*, every Person impounding any Horse, Ass, or other Cattle or Animal was required to supply such Cattle or Animal daily with good and sufficient Food and Nourishment whilst impounded; and by the said Act every such Person who should so find, provide, and supply any such Horse, Ass, or other Cattle or Animal with such daily Food and Nourishment as aforesaid should and might and they were thereby authorized to recover of and from the Owner or Owners of such Cattle or Animal not exceeding double the full Value of the Food and Nourishment so supplied to such Cattle or Animal, by proceeding before any One Justice of the Peace within whose Jurisdiction such Cattle or Animal should have been so impounded and supplied with Food as aforesaid, in like Manner as any Penalty or Forfeiture, or any Damage or Injury might be recovered under and by virtue of any of the Powers or Authorities in the said Act contained, and which Value of the Food and Nourishment so to be supplied as aforesaid such Justice was thereby fully authorized and empowered to ascertain, determine, and enforce as aforesaid; and every Person who should have so supplied such Food and Nourishment as aforesaid should be at liberty, if he should so think fit, instead of proceeding for the Recovery of the Value thereof as last aforesaid, after the Expiration of Seven clear Days from the Time of impounding the same, to sell any such Horse, Ass, or other Cattle or Animal openly at any public Market (after having given Three Days public printed Notice thereof) for the most Money that could be got for the same, and to apply the Produce in discharge of the Value of such Food and Nourishment so supplied as aforesaid and the Expenses of and attending such Sale, rendering the Overplus (if any) to the Owner of such Cattle or Animal; and any 5 & 6 W. 4. c. 59.

any such Persons as aforesaid neglecting or refusing to supply such Cattle or Animal with such Food as aforesaid were made liable to certain Penalties: And whereas by an Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of Her present Majesty, intituled *An Act for the more effectual Prevention of Cruelty to Animals*, the said first-recited Act and a certain other Act extending the Provisions of the same to *Ireland* were repealed; and by the said Act of the Twelfth and Thirteenth Years of Her Majesty it was enacted, that every Person who should impound or confine, or cause to be impounded or confined, in any Pound or Receptacle of the like Nature, any Animal, should provide and supply during such Confinement a sufficient Quantity of fit and wholesome Food and Water to such Animal, and every such Person who should refuse or neglect to provide and supply such Animal with such Food and Water as aforesaid should, for every such Offence, forfeit and pay a Penalty of Twenty Shillings; and Power is thereby given in case of Neglect for a certain Time to supply such Food and Water for any Person to supply the same, and the reasonable Cost of such Food and Water is to be paid by the Owner of such Animal before such Animal is removed to the Person who shall supply the same, and the said Costs may be recovered in like Manner as therein provided for the Recovery of Penalties under the said Act: And whereas it is doubtful whether the last-recited Act gives any Remedy to the Person impounding for the Recovery of a Compensation for the Food and Water provided for any Animal, and no Power is given to sell the Animal, although full Provisions for those Purposes were contained in the said first-recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

12 & 13 Vict. c. 92.

All Persons who have impounded Animals, and provided Food, &c. since passing of 12 & 13 Vict. c. 92., or shall hereafter impound, &c. may recover Expenses.

I. Every Person who since the passing of the said Act of the Twelfth and Thirteenth Years of Her Majesty has impounded or confined, or hereafter shall impound or confine as in the said Act mentioned, any Animal, and has provided and supplied or shall hereafter provide and supply such Animal with Food and Water as therein mentioned, shall and may and he is hereby authorized to recover of and from the Owner or Owners of such Animal not exceeding double the Value of the Food and Water so already or hereafter to be supplied to such Animal, in like Manner as is by the said last-mentioned Act provided for the Recovery of Penalties under the same Act; and every Person who has supplied or shall hereafter supply such Food and Water shall be at liberty, if he shall so think fit, instead of proceeding for the Recovery of the Value thereof as last aforesaid, after the expiration of Seven clear Days from the Time of impounding the same to sell any such Animal openly at any public Market (after having given Three Days public printed Notice thereof) for the most Money that can be got for the same, and to apply the Produce in discharge of the Value of such Food and Water so supplied as aforesaid and the Expenses of and attending such Sale, rendering the Overplus (if any) to the Owner of such Animal.

Power to sell Animals, &c. after being impounded Seven Days.

II. And whereas by an Act passed in the Second and Third Years of Her present Majesty it was enacted, under a Penalty, that Dogs should not be used for the Purposes of Draught within the Metropolitan Police District, and it is desirable that such Enactment should be extended to all Parts of the United Kingdom: Be it enacted, That any Person who shall, from and after the First Day of *January* One thousand eight hundred and fifty-five, on any public Highway in any Part of the United Kingdom, use any Dog for the Purpose of drawing or helping to draw any Cart, Carriage, Truck, or Barrow, shall forfeit and pay a Penalty not exceeding Forty Shillings for the First Offence, and not exceeding Five Pounds for the Second and every subsequent Offence, such Penalties to be recovered in like Manner as is provided for the recovery of Penalties under the Act of the Twelfth and Thirteenth Years of Her said Majesty.

Provision of 2 & 3 Vict. c. 47. as to the using of Dogs for Purposes of Draught within the Metropolitan District extended to all Parts of the United Kingdom.

III. The Words and Expressions to which a Meaning is affixed by the said Act of the Twelfth and Thirteenth Years of Her Majesty, and which are introduced into this Act, shall have the same Meaning in this Act, and the Word Animal shall in the said Act and in this Act mean any domestic Animal, whether of the Kind or Species particularly enumerated in Clause Twenty-nine of the said Act, or of any other Kind or species whatever, and whether a Quadruped or not.

Interpretation of Terms.

CAP. LXI.

An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in enlarging and improving the Royal Military Asylum. —[31st July 1854.]

CAP. LXII.

CAP. LXII.

An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission, and Extinction of Heritable Securities in Scotland. —[31st July 1854.]

8 & 9 Vict. c. 31.

10 & 11 Vict. c. 50.

WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in* Scotland; and another Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in* Scotland, *and to render the same more effectual for the Recovery of Debt*, by which last-recited Act it is made competent to insert in Bonds and Dispositions in Security certain short Clauses set forth in the Schedule to the said Act annexed, or any of them; and it is expedient to extend the Benefits of the said Acts, and to make further Provision with a view to the Objects thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of recited Acts to apply to all Heritable Securities, as well as to Bonds and Dispositions in Security.

I. The whole Provisions and Enactments of the recited Acts shall be taken to apply and shall apply to all Heritable Bonds, and to all Deeds which, according to the existing Law and Practice, require to be followed by Infeftment in order to constitute a Security over Lands or the Rents or Profits thereof, as well as to Bonds and Dispositions in Security in the Form in the Schedule annexed to the said last-recited Act, unless in so far as such Provisions or Enactments are inapplicable to the Form or Objects of such Bonds of Deeds respectively.

Assignations, &c. may be registered for Preservation.

II. It shall be competent to insert in Assignations, Writs of Acknowledgment, and Notarial Instruments, made and granted in Terms of the recited Acts or either of them, a Clause for the Registration thereof, in the Form of the Clause of Registration contained in the Schedule annexed to the said last-recited Act; and such Clause shall be a sufficient Warrant to the Keeper of any competent Register of Deeds to receive and record the said Writings therein for Preservation.

III. Where any Assignation granted in Terms of the recited Acts or either of them shall not have been or may not be registered in the Lifetime of the Grantee, such Assignation shall, notwithstanding, be as full and sufficient Warrant of Sasine in favour of the Party having Right thereto by Service or otherwise as if it had been a Disposition and Assignation including a Precept of Sasine in the ordinary Form in use prior to the passing of the recited Acts or either of them, and Infeftment being passed upon the same in the Form or as nearly as may be in the Form prescribed by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to simplify the Form and diminish the Expense of obtaining Infeftment in Heritable Property in* Scotland, and duly recorded, shall be to all Intents and Purposes good and valid Infeftment in favour of the Party so infeft.

Unregistered Assignation to be available to Heir of Grantee.

8 & 9 Vict. c. 35.

IV. Nothing herein contained shall prevent the granting or expeding of Deeds affecting Heritable Subjects, or the Constitution, Transmission, or Extinction of Heritable Securities, in the Forms competent and in use at the passing of this Act.

Existing Forms of Security still to be competent.

CAP. LXIII.

An Act to continue the Poor Law Commission for Ireland.—[31st July 1854.]

CAP. LXIV.

An Act to amend an Act of the last Session for extending the Public Libraries Act, 1850, *to* Ireland *and* Scotland.—[31st July 1854.]

WHEREAS it is expedient to amend the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and one, so far as the same relates to *Scotland*, and to give greater Facilities for the Establishment there of Public Libraries and Museums: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In

Interpretation of Terms.

I. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned, if not inconsistent with the Context or Subject Matter; that is to say, the Expression "Parliamentary Burgh" shall mean a Burgh or Town to which Magistrates and Councils were provided by the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-seven; the Expression "Occupier of Premises" shall mean a Male Occupier of a Dwelling House or other Heritable Subjects of the yearly Value of Ten Pounds or upwards, not being a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than One Year, but in such case shall mean the Party by whom such House is so let.

So much of 16 & 17 Vict. c. 101. as relates to Scotland repealed.

II. So much of the said Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and one, as relates to *Scotland*, is hereby repealed, but such Repeal shall not invalidate or affect anything already done in pursuance of such Act; and all Public Libraries and Museums established in *Scotland* under that Act shall be considered as having been established under this Act.

Short title.

III. In citing this Act for any Purpose whatever, it shall be sufficient to use the Expression "The Public Libraries Act (*Scotland*), 1854."

Meeting to be called for considering the Adoption of this Act in any Burgh or Town or Part thereof.

IV. Upon the Requisition in Writing of the Magistrates and Council of any Royal Burgh, Parliamentary Burgh, Burgh of Regality, or Burgh of Barony in *Scotland*, whose Population according to the then last Census shall exceed Ten thousand Persons, the Chief or Senior Magistrate of such Burgh, or, in the Case of a Burgh not being a Royal or Parliamentary Burgh, the Sheriff of the County in which such Burgh is situated, shall, within Ten Days after the Receipt of such Requisition, convene a Meeting of the Occupiers of Premises in such Burgh, or in such Part thereof within which it may in such Requisition be proposed to adopt this Act, for the Purpose of considering whether this Act shall be adopted for such Burgh or such Part thereof, such Meeting to be held in the Town Hall or other convenient Place on a Day not less than Twenty-one Days or more than Thirty Days after the Receipt of such Requisition, and Notice of the Time and Place of such Meeting to be given by affixing the same upon the Doors of the several Parish Churches within such Burgh Fourteen Days preceding the Day of Meeting.

Qualification of Voters.

V. For the Purpose of deciding as to the Adoption of this Act, all Occupiers of Premises in such Burgh or in such Part thereof as aforesaid, as the Case may be, shall be entitled to vote, and Companies or Copartnerships occupying Houses or other Heritable Subjects above the yearly Value of Ten Pounds, so as to afford more than One Qualification of Ten Pounds, may grant Authority in Writing to any One of the Partners of such Company or Copartnership to vote, but such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each Qualification of Ten Pounds afforded by such Premises; and any Dispute as to the Qualification or Identity of any Occupier of Premises shall be decided by such Senior Magistrate or Sheriff, as the Case may be, whose Decision shall be final.

Act may be adopted at the Meeting, unless Poll demanded.

VI. If at such Meeting it shall be determined by a Majority of Two Thirds of the Votes of the Occupiers of Premises present that the Provisions of this Act shall be adopted in such Burgh or in such Part thereof respectively, then the same shall from thenceforth come into operation therein, unless a Poll shall be demanded in Writing at such Meeting by any Five Persons present and qualified to vote, and in that Case the Meeting shall be adjourned to a future Day for the Purpose of declaring the Result of the Poll.

Poll to be open for One Day, and State of Poll to be ascertained and declared.

VII. When such Poll shall be demanded, such Magistrate or Sheriff as aforesaid shall appoint the necessary Number of Clerks, and cause proper Poll Books to be prepared, and such Poll shall be proceeded in within such Period as he shall determine, not exceeding Two Days from the Day of the holding of such Meeting; and the Poll shall be kept open for One Day at the Places fixed by him, commencing at Nine of the Clock in the Forenoon and ending at Four of the Clock in the Afternoon; and as soon after the Close of the Poll as may be the Poll Clerks shall transmit to such Magistrate or Sheriff the State of the respective Polls, who shall sum up the same, and openly declare the Result of the total Poll at the adjourned Meeting.

Majority of Two Thirds necessary for Adoption of Act.

VIII. If it shall appear by the Result of such Poll that Two Thirds of the Votes given have been given in favour of the Adoption of this Act, then the same shall from thenceforth come into operation in such Burgh or such Part thereof as aforesaid; and in all Cases of the Adoption of this Act the same shall be put into execution by the Magistrates and Council of the Burgh.

Assessments may be levied to the Extent of One Penny in the Pound for defraying Expenses.

IX. For defraying the Expenses incurred in calling the Meeting, and in taking such Poll, whether this Act shall be adopted or not, and the Expenses of carrying this Act into execution, the Magistrates and Council of such Burgh shall yearly assess all Occupiers of Premises within the Burgh, or within such Part thereof where it may have been decided to adopt this Act, in the Sums necessary for defraying such

Expenses, but in no Case to an Amount exceeding One Penny in the Pound of the yearly Rent of such Premises; and such Assessments shall be made, levied, and recovered by the Magistrates and Councils of such Burgh or Town in such and the like Manner, from the same Descriptions of Persons and Property, and with and under the like Powers, Provisions, and Exceptions, as the general Assessments leviable under the Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Thirty-three, for Police and other Purposes, are authorized to be made, levied, and recovered, and as if such Magistrates and Council were Commissioners elected under that Act, and the said Assessments were Part of the general Assessments authorized to be thereby made.

Accounts of the Magistrates and Council in relation to this Act to be open to Inspection.

X. The Magistrates and Council shall provide and keep Books in which shall be entered true and regular Accounts of their Receipts, Payments, and Liabilities with reference to the Execution of this Act, to be called "The Public Libraries Account," and such Books shall at all reasonable Times be open to the Inspection of every Person liable to be assessed by virtue of this Act, without Fee or Reward, who respectively may take Copies of or make Extracts from such Books, without paying for the same; and in case such Magistrates and Council, or any of them respectively, or any of their respective Officers or Servants having the Custody of such Books, shall not permit the same Accounts to be inspected or Copies of or Extracts from the same to be made or taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Boundaries of Burghs, &c.

XI. The Boundaries of Parliamentary Burghs, Royal Burghs, Burghs of Regality and of Barony, shall for the Purposes of this Act be the same as the Boundaries declared for such Burghs by and for the Purposes of the said Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Thirty-three.

Lands, &c. may be appropriated, purchased, or rented for the Purposes of this Act.

XII. The Magistrates and Council of any Burgh may from Time to Time appropriate for the Purposes of this Act any Land or Buildings vested in them, and also purchase, feu, or rent any Land, and may, upon any Land so appropriated, rented, feued, or purchased respectively, erect any Buildings suitable for Public Libraries or Museums, or both, and may alter and extend any Buildings for such Purposes, and repair and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Certain Clauses of

XIII. All the Clauses and Provisions of the "Lands Clauses Consolidation Act (*Scotland*), 1845," with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making a Title, and also with respect to Conveyances of Lands, so far as the same Clauses and Provisions respectively are applicable to the Cases contemplated by the last Section, shall be incorporated in this Act; and the Expression "the Special Act," used in the said Clauses and Provisions, shall be construed to mean this Act; and the Expression "the Promoters of the Undertaking," used in the same Clauses and Provisions, shall be construed to mean the Magistrates and Council of the Burgh in question.

8 & 9 Vict. c. 19. incorporated with this Act.

XIV. The Magistrates and Council of any Burgh may sell any Lands vested in them for the Purposes of this Act, or exchange the same for any Lands better adapted for the Purposes; and the Monies to arise from such Sale, or to be received for Equality of Exchange, or a sufficient Part thereof, shall be applied in or towards the Purchase of other Lands better adapted for such Purposes.

Lands, &c. may be sold or exchanged.

XV. The general Management, Regulation, and Control of such Libraries and Museums shall be vested in and exercised by the Magistrates and Council of the Burgh, or such Committee as they respectively may from Time to Time appoint (the Members whereof need not be Magistrates or Councillors), who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Maps, and Specimens of Art and Science, for the Use of the Library or Museum, and cause the same to be bound or repaired when necessary, and appoint salaried Officers and Servants, and dismiss the same, and make Rules and Regulations for the Safety and Use of the Libraries and Museums, and for the Admission of Visitors; and the Lands so to be appropriated, purchased, or rented as aforesaid, and all other Real and Personal Property whatever presented to or purchased for any Library or Museum established under this Act, shall be vested in such Magistrates and Councils.

General Management to be vested in Magistrates and Councils.

Property of Library, &c. to be vested in them.

XVI. The Admission to all Libraries and Museums established under this Act shall be open to the Public free of all Charge.

Admissions to Museum to be free.

CAP. LXV.

An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.—[31st July 1854.]

CAP. LXVI.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.—[31st July 1854.] (England.)

CAP. LXVII.

An Act to facilitate the Purchase of Common, Commonable, and other Rights by the Principal Officers of Her Majesty's Ordnance.—[31st July 1854.]

CAP. LXVIII.

An Act to provide for the Application of certain Stock purchased with Monies which arose from the Sale of Part of the Land Revenues of the Crown in Ireland.—[31st July 1854.]

CAP. LXIX.

An Act to indemnify Local Boards of Health as regards rating for the Repair of Highways, under the Public Health Act, 1848.—[31st July 1854.] (England.)

CAP. LXX.

An Act to enable the Trustees of Portland *Chapel,* Oxford *Chapel, and* Welbeck *Chapel, in the Parish of* Saint Marylebone, *to augment the Salaries of the Ministers of the said Chapels.*—[31st July 1854.]

CAP. LXXI.

An Act to amend the Law concerning the making of Borough Rates in Boroughs not within the Municipal Corporations Acts.—[31st July 1854.] (England.)

CAP. LXXII.

An Act to provide for Payment of the Salaries of the Sheriff and Sheriff Clerk of Chancery in Scotland.—[31st July 1854.]

WHEREAS by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law and Practice of* Scotland *as to the Service of Heirs*, it was enacted, that it should be lawful for her Majesty to appoint a fit Person, being a Person qualified for the Office of Sheriff of a County in *Scotland*, to be the Sheriff of Chancery for the Purposes of the said Act, and also to appoint a fit Person to act both as Sheriff Clerk of Chancery and as Clerk of the Presenter of Signatures in Exchequer; and it was thereby provided that such Sheriff and Sheriff Clerk should respectively receive such Salaries in respect of their Offices as should be from Time to Time fixed by the Commissioners of Her Majesty's Treasury, and that such Salaries should be payable "out of the Fees receivable in the Office of Chancery:" And whereas Her Majesty appointed a Sheriff of Chancery and a Sheriff Clerk of Chancery, and Salaries were fixed by the said Commissioners payable as aforesaid: And whereas the Fees now receivable in the Office of Chancery have been diminished, and are inadequate to provide for Payment of the said Salaries, and Part of the Salary due and payable to the said Sheriff is unpaid, and it is proper that the said Salaries should be paid out of the Funds from which the Salaries of Sheriffs of Counties are payable, and that Provision be made for Payment of the Arrears of the Salary of the said Sheriff now unpaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 10 & 11 Vict. c. 47.

I. The

Salaries of Sheriff and Sheriff Clerk of Chancery to be payable out of the Funds from which those of Sheriffs of Counties are payable.

I. The said recited Act, in so far as it enacts that the said Salaries of the said Sheriff of Chancery and Sheriff Clerk of Chancery shall be payable out of the Fees receivable in the Office of Chancery in *Scotland*, is hereby repealed; and the said Salaries, and any Increase thereof, shall hereafter be payable out of the Funds from which the Salaries of Sheriffs are payable, and the Part of the Salary due, but not hitherto paid to the Sheriff of Chancery, shall be paid out of the said Funds.

Power to Treasury to grant to Sheriff of Chancery such Salary as shall seem meet, and a retiring Annuity, subject to Provisions of 16 & 17 Vict. c. 80. s. 38.

II. And whereas by an Act passed in the last Session of Parliament, intituled *An Act to facilitate Procedure in the Sheriff Courts in* Scotland, it was enacted, that it should be lawful to grant to any Sheriff such Salary as to the Commissioners of Her Majesty's Treasury might seem meet, not being less than Five Hundred Pounds by the Year, and also to grant to any Sheriff a retiring Allowance or Annuity in respect of long Service: And whereas Doubts exist whether the said Enactments apply to the Office of Sheriff of Chancery, and it is just and proper that such Doubts should be removed: Be it enacted, That it shall be lawful to grant to the Sheriff of Chancery such Salary as to the Commissioners of Her Majesty's Treasury may seem meet, not exceeding Five hundred Pounds by the Year, commencing from the First Day of *November* One thousand eight hundred and fifty-three, and also a retiring Annuity in respect of long Service, subject to the Provisions and Conditions set forth in the Thirty-eighth Section of the said last-recited Act, which Salary and Annuity shall be payable out of the same Funds from which the Salaries and Annuities of Sheriffs of Counties are payable.

CAP. LXXIII.

An Act to amend the Acts for the Regulation of Joint Stock Banks in Scotland.—[31st July 1854.]

7 & 8 Vict. c. 113.

9 & 10 Vict. c. 75.

WHEREAS an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to regulate Joint Stock Banks in* England: And whereas the said Act was extended to *Scotland* and *Ireland* by an Act passed in the Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act to regulate Joint Stock Banks in* Scotland *and* Ireland: And whereas it is expedient that the recited Acts should be amended in certain of the Provisions thereof, in so far as the same apply to *Scotland:* Be it enacted by the

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Right of Retention or Lien over Shares of Partners not to be affected.

I. No Clause directed by the said Acts to be inserted in the Deed of Partnership of any Joint Stock Banking Company in *Scotland* to be executed previous to such Company being incorporated under the recited Acts shall take away or impair the Right of Retention or Lien which, in virtue of the Common Law of *Scotland*, such Company has or may be entitled to exercise over the Shares of its Partners, for or in respect of any Debt or Liability incurred or Obligation undertaken by them to the Company.

The Company to sell Shares acquired in virtue of Right of Lien.

II. Provided, That as often as the Company may, in virtue of their Right of Lien or Retention acquire any Shares in the Company's Stock, they shall be bound to sell the same within Six Months after the same shall have been so acquired, and in such Manner as is by the said first-recited Act provided for the Sale of forfeited Shares; and the Company shall be bound to account to the Party or Parties interested in such Shares, or to their Creditors, or Heirs or Executors, for the Balance of the Price or Prices which may have been realized by such Sale, after paying the Debt due to the Company, and the Expenses incurred by them in securing their Debt and selling the Shares.

Provision to be made as to signing Bills and Notes.

III. In such Deed of Partnership there shall be inserted Provisions regulating the Manner in which Bills of Exchange or Promissory Notes of the Company may be made, accepted, or endorsed, and it shall not be necessary that such Bills of Exchange or Promissory Notes be signed in the Manner prescribed by the first-recited Act.

CAP. LXXIV.

An Act to render Reformatory and Industrial Schools in Scotland *more available for the Benefit of Vagrant Children.*—[7th August 1854.]

WHEREAS it is expedient that Reformatory and Industrial Schools in *Scotland* should be made more available for the Education and Training of Vagrant Children: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Sheriff or Magistrate to send Vagrant Children to School unless Security found for good Behaviour.

I. When any young Person apparently under the Age of Fourteen Years shall, from and after the passing of this Act, be found begging, or, not having any Home or settled Place of Abode or proper Guardianship, and having no lawful or visible Means of Subsistence, shall be found wandering, and though not charged with any actual Offence, shall be brought by any Constable or Police Officer before any Sheriff or Magistrate, it shall be lawful for the said Sheriff or Magistrate, after due Inquiry, and Intimation to the Inspector of the Poor, and due Intimation to the Parents, Guardians, or others interested in such young Person, if the same can be found, and unless the Parents, Guardians, or other Persons interested in such young Person shall appear and find Security for his or her good Behaviour, enacted in the Books of Court according to the Form (or as near thereto as may be) contained in the Schedule (B.) annexed hereto, such Security to be for any Sum not less than One Pound and not more than Five Pounds, and for any Period not exceeding Twelve Calendar Months, if he shall see Cause, to order by a Writing under his Hand, according to the Schedule (A.), or as near thereto as may be, such young Person forthwith to be transmitted to and received at any Reformatory School, Industrial School, or other similar Institution within *Scotland*, whether established by a Parochial Board or by an Association of Individuals, which may have been sanctioned by the Secretary of State for the Purposes of this Act, the Directors or Managers of which may be willing to receive such young Person, for such Period of Time as may appear necessary for his or her Education and Training, but such young Person shall not be detained beyond the Age of Fifteen Years without his or her Consent, such Magistrate having due Regard to the religious Belief of such Child, or to any Wish expressed by the Parents, Guardians, or other Relative as to the particular Institution to which such Child shall be committed or removed, and with Power to Secretary of State to order such Removal; and on such Security as aforesaid being at any Time found, the Sheriff or the committing or other acting Magistrate for the Time being may order the Discharge of such young Person from any such School or Institution: Provided always, that if the Parent or Guardian of any such young Person shall express a Preference for any One such School out of Two or more within the Jurisdiction of the Sheriff or Magistrate, such Sheriff or Magistrate shall order such young Person to be sent to the School so preferred, if the Managers be willing and able to receive him.

II. If any young Person who shall be sent to any such School or Institution, under the Provisions of this Act, shall wilfully leave and abscond therefrom before attaining the Age of Fifteen Years, or being duly discharged therefrom, and shall refuse to return, it shall be lawful to the Sheriff or to the committing or any other acting Magistrate, on summary Complaint at the Instance of any Officer of the said School or Institution, (and which Complaint shall be conducted in the Forms, or as nearly as may be, and subject to all the Provisions of the Act of the Ninth Year of King *George* the Fourth, Chapter Twenty-nine,) to punish such young Person by Whipping, or by Imprisonment for any Term not exceeding Twenty Days, and if he shall see proper to order that such young Person be thereafter re-transmitted to such School in manner foresaid.

Punishment on wilfully leaving and refusing to return to School.

III. When any young Person has been sent by any Sheriff or Magistrate to such School or Institution sanctioned as aforesaid, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond therefrom, before he or she has been regularly discharged, or who shall knowingly conceal or harbour such young Person, or otherwise prevent his or her Return thereto, then such Person so offending shall be liable for every such Offence in a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Sheriff or Magistrate at the Instance of any Officer of such School or Institution, or any Person authorized by the Directors or Managers, with Concurrence of the Public Prosecutor, and, failing Payment, the Offender may be imprisoned for any Period not exceeding Sixty Days; and such Penalty, deducting the Expense of Prosecution, shall be paid over to the Treasurer of the Institution in which such young Person was placed and for behoof thereof.

Penalty on Persons wilfully withdrawing young Persons from School.

IV. In every Case where any such young Person has been sent by any Sheriff or Magistrate to such School or Institution as aforesaid, it shall be competent for the Treasurer or other Officer thereof to sue the Parents or Step-parents of such young Person or other Persons who may be liable to support him or her for Payment of the Cost of Support and other Expenses incurred by the said School or Institution in regard to such young Person, and to recover the same by Action in the Sheriff's Small Debt Court: Provided always, that the Sheriff may, on Cause shown, modify the Amount of such Cost and Expenses as he shall think reasonable, or remit the same altogether, as in the Circumstances of the Case may seem just.

Parents and others may be sued for Expenses of Support of Children in School.

V. Where any young Person shall be sent to such School or Institution, and where the Cost of Support of such young Person

Expense of Children

to be paid for by Parochial Board when not received from Parents, &c.

Person has not been received from the Parents of such young Person or other Parties liable for his or her Support, it shall be competent for the Treasurer or other Officer of such Institution, or other Person authorized by the Directors or Managers to recover the Cost of such Support and other Expenses of such young Person, or any Balance thereof unpaid, from the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance; and such Cost and Expenses are hereby declared to form a valid Charge upon the Funds within the Management of the said Parochial Board, under the Act Eighth and Ninth *Victoria*, Chapter Eighty-three, declaring that such Sums shall be annually on the Thirty-first of *December* in every Year charged against the said Parochial Board for the Year then ending, and shall be sued for within Three Months after the Lapse of every such Year, and not thereafter, and the Amount may be sued for under the Sheriff Small Debt Act, First *Victoria*, Chapter Forty-one, as amended by the Seventeenth and Eighteenth *Victoria*, Chapter Eighty, although the Amount be greater than the Sum to which the Prosecutions by the said Acts are limited: Provided always, that the Sheriff shall have Power to fix the Cost of Support at such Rate as he may consider just and reasonable; and on Payment of the said Sums the said Parochial Board shall have all competent Remedy for Relief and Recovery of the Sums paid by them against all Persons or Parishes bound in Relief and Payment thereof.

Power to make Rules, &c.

VI. It shall be lawful for the Directors and Managers of such Schools and Institutions as aforesaid to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the Schools and Institutions as aforesaid under their Charge, not repugnant to the Provisions of this Act, but no such Rules, Orders, or Byelaws shall be enforced until they have been submitted to and approved by the Lord Advocate of *Scotland*.

Power to Education Committee of Privy Council to grant Aid to Directors of Schools.

VII. It shall be lawful for the Education Committee of Her Majesty's Privy Council, out of the Monies at their Disposal voted by Parliament for the Purposes of Education, to grant to the Directors or Managers of any such School or Institution sanctioned as aforesaid, who may be willing to receive such young Persons as aforesaid, such Aid as they may judge proper towards the Erection of suitable Buildings, and the Annual Expense of such School or Institution, under such Regulations as to the Accommodation required and the Qualification of Teachers as the Committee of Council may prescribe; and all Schools and Institutions receiving such Aid shall be open to the Inspection of Her Majesty's Inspector of Schools, or to any other Inspector specially appointed for the Inspection thereof.

VIII. Nothing in this Act contained shall be construed to prevent any Parochial Board on whose Funds the Cost of Support of any such young Person as aforesaid shall have become a Charge from adopting such Steps for his or her Removal as may be competent to them under the Provisions of the Eighth and Ninth *Victoria*, Chapter Eighty-three.

Act not to interfere with Powers of Removal under 8 & 9 Vict. c. 83.

SCHEDULE A.

At the Day of I [*A. B.* Sheriff *or* Magistrate of] under the Powers of the Reformatory Schools (Scotland) Act, 1854, hereby order, that *C. D.* belonging to and apparently of the Age of Years, and who was brought before me under the Provisions of the said Act, be taken to the School, at , therein to remain, under the Powers and Provisions contained in the said recited Act, until he be duly discharged therefrom or attain the Age of Fifteen Years.

Given under my Hand, Date and Place foresaid.

SCHEDULE B.

I *or* we [*name and design the Cautioners*] do hereby judicially enact ourselves in the Books of the Court, at and bind and oblige [myself *or* ourselves, my *or* our Heirs, Executors, and Successors, jointly and severally,] under the Penalty of for the good Behaviour of *A. B.* belonging to and that for the Period of Calendar Months, all in Terms of the First Section of the Reformatory Schools (Scotland) Act, 1854.

Subscribed by me [*or* us] at the Day of , before these Witnesses.

A. B. and *C. D.*

CAP. LXXV.

An Act to remove Doubts concerning the due Acknowledgment of Deeds by Married Women in certain Cases.—[7th August 1854.] (England.)

CAP. LXXVI.

An Act for the Formation, Regulation, and Government of Convict Prisons in Ireland.—[7th August 1854.]

CAP. LXXVII.

An Act to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to India, *and for vesting certain Powers in the Governor General of* India *in Council.*—[7th August 1854.]

CAP. LXXVIII.

An Act to appoint Persons to administer Oaths, and to substitute Stamps in lieu of Fees, and for other Purposes

poses, in the High Court of Admiralty of England.—[7th August 1854.]

CAP. LXXIX.

An Act for further regulating the Sale of Beer and other Liquors on the Lord's Day.—[7th August 1854.] (England.)

CAP. LXXX.

An Act to provide for the better Registration of Births, Deaths, and Marriages in Scotland.—[7th August 1854.]

WHEREAS it is expedient that a complete and uniform System of Registration of Births, Deaths, and Marriages should be established and maintained in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Present System of Registration to cease on 31st December 1854, and this Act to come into operation.

I. From and after the Thirty-first day of *December* One thousand eight hundred and fifty-four, the present system of Registration of Births, Deaths, and Marriages in *Scotland* shall cease and determine, in so far as regards Births, Deaths, and Marriages taking place after the said Thirty-first Day of *December*, and this Act shall come into operation: Provided always, that it shall be competent for any Person to register, on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-five, in the Registers kept and in use before the passing of this Act, any Birth, Death, or Marriage which shall have taken place on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-four, in the same Manner as if this Act had not been passed: Provided also, that all existing Registers of Births, Deaths, and

Marriages, including all such Entries as may be made as aforesaid, and all Extracts and Certificates from such Registers, shall be and remain of the same legal Force and Effect in all respects as if this Act had not been passed.

Her Majesty may provide an Office, and appoint a Registrar General.

II. On and after the passing of this Act it shall be lawful for Her Majesty to provide a proper Office in the General Register House at *Edinburgh*, to be called "The General Registry Office of Births, Deaths, and Marriages," in which shall be kept and preserved a Register of all Births, Deaths, and Marriages in *Scotland*, and to appoint, under the Seal appointed to be used in *Scotland* in place of the Great Seal thereof, the Person for the Time being holding the Office of the Deputy of the Lord Clerk Register of *Scotland* to be Registrar General of Births, Deaths, and Marriages in *Scotland;* and such Registrar General shall be paid, in addition to whatever Salary he may enjoy as Deputy Clerk Register, a Salary not exceeding Four hundred Pounds *per Annum.*

The Registrar General may appoint a Secretary.

III. It shall be lawful for the Registrar General, with the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to appoint a Secretary, who may act in his Absence with all the Powers and in the Discharge of all the Duties hereby given to or imposed upon the Registrar General; and such Secretary shall be paid a Salary not exceeding Three hundred Pounds *per Annum.*

Appointment of Clerks and other Officers.

IV. It shall be lawful for the Registrar General, with the Approbation of the said Commissioners of Her Majesty's Treasury, to appoint such Clerks, Officers, and Servants as shall be deemed necessary to carry on the Business of the General Registry Office, and at pleasure, with the like Approbation, to remove them or any of them, and, with the like Approbation, to fix the Salaries of such Clerks, Officers, and Servants, according to the Duties and Services which they may have respectively to perform.

Expenses of Registry Office and Books, &c., how to be provided.

V. The Salary of the Registrar General and Secretary, and all the Expenses of the General Registry Office, including the Expenses of Clerks, Officers, and Servants, and of Books and Stationery, and of making and copying Indexes and Inventories, and in relation to Sessional Registers or private Burial Registers, and all Expenses incurred from Time to Time in the Publication and Transmission of Notices in Pursuance of this Act, or otherwise, under the Directions and by the Authority of the Registrar General, or of the Sheriff, and all other Expenses connected with the Business of the said Office not herein otherwise provided for, shall be paid by the said Commissioners of Her Majesty's Treasury out of any Monies to be hereafter voted by Parliament for that Purpose.

Regulations for Management of Office and Duties of Officers to be framed.

VI. One of Her Majesty's Principal Secretaries of State, or the Registrar General with the Approbation of such Principal Secretary, shall and may from Time to Time make Regulations for the Management of the General Registry Office, and for the Discharge of the Duties of the Registrar General, Clerks, Officers, and Servants of the said Office, and of the Registrars and Assistant Registrars herein mentioned, so that such Regulations be not contrary to the Provisions of this Act; and the Regulations so made and approved shall be binding on the Registrar General and Secretary, and the Clerks, Officers, and Servants, and on the Registrars and Assistant Registrars; and a Copy of all such Regulations shall be laid before both Houses of Parliament within Six Weeks after the same are approved of, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Abstract of Registers to be laid annually before Parliament.

VII. The Registrar General shall transmit once in every Year to Her Majesty's Secretary of State for the Home Department a General Abstract of the Numbers of Births, Deaths, and Marriages registered during the foregoing Year, in such Form and at such Date as such Secretary shall from Time to Time prescribe; and every such annual General Abstract shall be laid before Parliament within One Month after Receipt thereof, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Registrar for each Parish to be elected by the Parochial Board.

VIII. A Registrar of Births, Deaths, and Marriages shall be elected in manner herein-after provided by the Parochial Board of each Parish, (including the several Parishes erected or to be erected under the Provisions of an Act passed in the Seventh and Eighth Year of the Reign of Her present Majesty, Chapter Forty-four,) not being a Burgh or Part of a Burgh, appointed and acting under an Act passed in the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Eighty-three, and such Parochial Board shall be the Judges of the Qualification of Persons to be elected to the Office of Registrar: Provided always, that any Session Clerk who is in Office at the Date of the passing of this Act shall be the Registrar under this Act for the Parish of which he is Session Clerk, unless it shall be proved to the Sheriff that he is unfit for the Office of Registrar, or that the Duties he has to discharge are incompatible with such Office.

Meetings of Parochial

IX. The Meetings of the Parochial Board in any such Parish for the Trial of the Qualifications and the Election of a

Registrar

Board to be called by the Inspector of the Poor.

Registrar shall be called by the Inspector of the Poor acting under the said Act, by the Direction either of the Sheriff or of the Parochial Board, in such and the like Manner as the ordinary Meetings of the Parochial Board are called under the said Act, and such Meetings shall be called and held forthwith after the passing of this Act; and such Inspector shall, within Six Days after a Vacancy in the Office of Registrar of the Parish of which he is Inspector shall become known to him, apply to the Sheriff or the Parochial Board to appoint a Time and Place for a Meeting of the Parochial Board for the Purpose of electing a Registrar to supply such Vacancy; and in case there shall happen to be no Inspector for the Time, the Chairman of the Parochial Board shall make such Application to the Sheriff, or shall himself appoint a Time and Place for such Meeting: Provided, that if the Vacancy be caused by the Death of a Registrar who was a Schoolmaster, it shall be competent to the Sheriff, or, with the Consent of the Sheriff, to the Parochial Board, or Chairman calling the Meeting, to postpone the Election, for any Period not exceeding Four Months, until the Election of the Successor of such Schoolmaster.

Parishes may be divided or united.

X. If it shall at any Time appear to the Sheriff that it is desirable that any Parish should be divided, or that Two or more Parishes or Portions of Parishes should be united into One District, the Sheriff may divide such Parish or unite such Parishes or Portions of Parishes into One or more Districts as he shall think fit, and each such District shall be held to be and be a separate Parish for the Purposes of this Act; and the Sheriff shall fix the distinctive Name by which each such District shall be called for the Purposes of this Act; and a written or printed Notice of such Division or Union, setting forth such distinctive Names, shall be affixed on the Doors of all the known Places of Public Worship within the Parish or Parishes thereby affected for Three consecutive Weeks before such Division or Union shall come into operation, and be published Twice a Week for Three consecutive Weeks in Two Newspapers published or usually circulated in the Parishes or in the County in which the same are situated: Provided always, that any Session Clerk who, under the Provisions of this Act, would be entitled to be Registrar of any Parish, shall be the Registrar of such One of the said Districts as shall be appointed by the Sheriff.

Sheriff may annex small Portion of a Parish to the Parish adjoining.

XI. It shall be lawful for the Sheriff, if he shall deem it expedient, in order to avoid any Doubt as to the Boundary of a Parish or otherwise, to annex, for the Purposes of this Act, any small Portion of a Parish to an adjoining Parish: Provided always, that any Charges payable out of the Parochial Funds for Registrations in respect of such Portion so annexed shall be payable and paid by the Parish from which such Portion is detached to the Parish to which the same is annexed: Provided also, that the Parochial Board of the Parish from which such Portion is taken shall have no Voice in the Election of the Registrar of the Parish to which the same is annexed.

Election of Registrar by Parochial Board.

XII. At the Time when this Act shall come into operation, and at any Time thereafter when there shall be a Vacancy in the Office of Registrar, the Parochial Board shall, subject to the Provisions herein-before contained, by a Majority of the Votes of the Members present at a Meeting specially called for the Purpose, elect the Registrar of the Parish or District; and in case any Dispute or Difference shall arise as to the voting or Majority of Votes at such Election, or any other Proceedings connected therewith, the same shall be settled summarily by the Sheriff on hearing verbally the Parties or their Agents; and in all Cases of temporary Vacancy of the Office of Registrar, by Death or otherwise, the Sheriff shall appoint an Interim Registrar, who shall, during the Time he shall act, have the like Powers and be bound to discharge the like Duties as the Registrar; and in all Cases of the Election or Appointment of a Registrar or Interim Registrar, such Election or Appointment shall, within Ten Days thereof, be intimated in Writing to the Registrar General by the Parochial Board or the Sheriff, as the Case may be.

Where there is no Parochial Board Heritors may appoint the Registrar.

XIII. In case there shall not be a Parochial Board acting under the said Act in any Parish or District at the Time when this Act shall come into operation, or at any Time thereafter, in which it is necessary to elect a Registrar under this Act, the Heritors shall, subject to the Approbation of the Sheriff, appoint a Registrar therein.

Registrar may appoint Assistant.

XIV. It shall be lawful for every Registrar, with the Approbation of the Parochial Board, or where there is no Parochial Board with the Approbation of the Sheriff, to appoint, by a Writing under his Hand, a fit Person, for whom he shall be responsible, to be his Assistant in case of his Illness or unavoidable Absence, or otherwise ceasing to hold his Office, until the Appointment of another Registrar, and also to act in all Cases where such Assistant may be authorized or required so to do by any Regulation to be made in virtue of this Act, and it shall also be lawful for such Registrar, with the like Approbation, to dismiss such Assistant; and the Entries made in the Registers of Births, Deaths, and Marriages herein-after mentioned, and Extracts made therefrom, and the Duties performed by such Assistant Registrar, shall be of the like Force and Effect as if made or performed by the Registrar: Provided always, that each Folio or Page of such Registers on which any Entry shall be made shall be signed by the Registrar, and every such Entry shall be authenticated by him, by affixing his Initials thereto, unless where the Registrar shall by Indisposition or other sufficient Cause be unable to act, in which Case such Assistant shall sign and authenticate such Registers, and the Entries therein.

Registrars not to acquire vested Rights in their Offices, and to be subject to removal.

XV. No Registrar shall acquire any vested Right in or to his Office by virtue of his Appointment; and in case any Registrar shall fail or neglect or refuse to discharge the Duties of his Office, or shall be unfit or incompetent to discharge such Duties, it shall be lawful for the Parochial Board to make Application to the Sheriff for his Removal from his Office of Registrar, and the Sheriff shall thereupon hear Parties, and take such Proceedings in reference to such Application as he shall think fit; and if the Sheriff shall be of opinion that such Registrar has failed or neglected or refused to discharge the Duties of his Office, or is unfit or incompetent to discharge such Duties, the Sheriff shall remove such Registrar from his Office of Registrar, and shall direct Notice of such Removal to be forthwith sent to the Parochial Board, and to be published in the Parish of which he was the Registrar, in such Manner as the Sheriff shall direct; and such Registrar shall, from and after such Publication, cease to hold his Office under this Act, and shall be incapable of being reappointed thereto, and the Parochial Board shall, in manner herein provided, elect a Registrar to supply the Vacancy caused by such Removal; and the Judgment of the Sheriff in all such Cases shall be final, and not subject to Review in any Court or by any Process whatsoever.

Appointments to be exempt from Stamp Duty.

XVI. The Appointments of the Registrar General, and Secretary, and of the several Registrars and Assistant Registrars under this Act, and the certified Copies of Registers, Extracts, and Certificates herein mentioned, shall be exempt from all Stamp Duties.

Fees payable to Registrar.

XVII. The Registrar shall be entitled to demand, in respect of Registration and the other Duties required to be performed by him under the Provisions of this Act, the several Fees herein authorized to be taken, and shall keep a correct Account of all Sums received by him in virtue of this Act in the course of each Year, and shall, within Ten Days after the Thirty-first Day of *July* yearly, deliver or transmit a Copy of such Account up to the said Thirty-first Day of *July*, authenticated by him, to the Sheriff, to be preserved in the Sheriff Clerk's Office, and to be furnished by the Sheriff to the Registrar General, and, if required, to One of Her Majesty's Principal Secretaries of State.

Existing Registers, &c. previous to 1820 to be transmitted to the Registrar General, and subsequent Registers, &c. to be delivered up to the Registrars.

XVIII. All existing Parochial Registers, Minutes, and Documents of every Description relating to the Registration of Births, Deaths, and Marriages which shall have been kept in every Parish prior to the First Day of *January* One thousand eight hundred and fifty-five shall, as far as regards such Registers, Minutes, and Documents made and entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation in the General Registry Office at *Edinburgh*, and as far as regards such Registers, Minutes, and Documents from the Year One thousand eight hundred and twenty, inclusive, to the said First Day of *January* One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person who shall be appointed Registrar of the Parish under this Act; and where any Parish shall be divided, such last-mentioned Registers, Minutes, and Documents shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers, Minutes, and Documents are at the Time of the Division; and the Registrar to whom such Registers, Minutes, and Documents shall be so delivered shall, if required by the Registrar General, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory and a General Abstract of each such Index shall be transmitted by him to the Registrar General, for Preservation in the General Registry Office; and the Registers, Minutes, and Documents, from the Year One thousand eight hundred and twenty to the said First Day of *January* One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of *January*, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation as aforesaid; and all such Registers, Minutes, and Documents, and the original Inventories, Indexes, and General Abstracts, and the authenticated Copies thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies of Entries taken therefrom, at all reasonable Times, by any Person, upon Payment of the Fees authorized to be taken for the like Searches and Copies made in or taken from the Registers and Indexes appointed to be kept under this Act.

Provision as to

XIX. Provided always, That if in the Registers kept in any Parish

Sessional Registers.

Parish prior to the First Day of *January* One thousand eight hundred and fifty-five there shall be Entries of Births, Deaths, and Marriages intermixed with Entries or Records relating to Sessional or other Matters, it shall be lawful for the Sheriff to direct either that Copies of the Entries of Births, Deaths, and Marriages shall be made and delivered to the Registrar of the Parish for the Purposes and under the Provisions of this Act, so that the existing Register may remain in the Custody in which it then is, or that Copies of the Entries or Records relating to such Sessional or other Matters shall be made and delivered over to the Parties interested therein, and the existing Register be delivered to the Registrar of the Parish; and in either Case such Copies shall be examined by the Sheriff and the Registrar, and authenticated by the Sheriff.

Provision as to Burial Registers.

XX. And whereas Registers are kept at various Burial Grounds and Cemeteries which are private Property and maintained at private Expense, and are necessary towards the Protection of the Rights of the Owners thereof, such Registers shall, upon Proof to the Satisfaction of the Sheriff to the above Effect, remain with the Proprietors thereof: Provided, that correct Copies of all such Registers in use on the Thirty-first Day of *December* One thousand eight hundred and fifty-four shall be prepared and authenticated at the Sight of the Sheriff, who shall certify the same, and shall be delivered to the Registrar of the Parish wherein such Burial Ground or Cemetery is situated; but nothing herein contained shall, after the said Thirty-first Day of *December*, relieve any such Proprietors from the Necessity of registering Deaths in the Parochial Registers under the Provisions of this Act.

The Sheriff to superintend Registrars.

XXI. The Sheriff of each County shall have the Control and Superintendence of the Registrars of the several Parishes and Districts within such County: Provided, that where a Parish shall be situated in more Counties than one, such Parish shall, for the Purposes of this Act, be held to be within the County in which the Parish Church is situated.

Register Boxes to be provided.

XXII. The Registrar General shall furnish to the Registrar of every Parish a strong Iron Box, to hold the Registers, Copies of Registers, and all other Records, Papers, or Documents connected with such Registers, in the Custody of the Registrar, and every such Box for each Registrar shall be furnished with a Lock and Two Keys, and no more, and One of such Keys shall be kept by the Registrar, and the other Key shall be kept by the Sheriff; and the Register Books of each Parish, while in the Custody of the Registrar, and not in use, shall be always kept in the Register Box, which shall always be left locked; and where, from the Number of Register Books, such

Boxes may not be sufficient to contain the same, such Register Books shall be deposited and kept in Fireproof Places approved of by the Sheriff, which shall be kept locked as such Boxes are hereby required to be.

Books and Forms to be provided.

XXIII. Upon the Application of the Registrar General, there shall be furnished to him from Time to Time, from Her Majesty's Stationery Office, all such Stationery, Books, Certificates, Schedules, Notices, and Forms as shall be necessary in the Execution of this Act, and as the Registrar General shall require and direct, and the Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be known and registered of Births, Deaths, and Marriages respectively, and every Page of each Book shall be numbered progressively by printed Numbers from the Beginning to the End of the Book, beginning with Number One; and each such Page shall be ruled and filled up according to the Form given in the Three several Schedules (A.), (B.), and (C.) hereunto annexed, and each separate Entry shall be numbered at the Beginning thereof with successive Numbers, beginning with Number One; and the Registrar General shall furnish to the Registrar of every Parish or District a sufficient Number of Register Books of Births, and of Register Books of Deaths, and of Register Books of Marriages, and of Certificates, Schedules, Notices, and Forms.

On Removal or Death of Registrars, Register Boxes, Books, &c. to be delivered up to Successors.

XXIV. In every Case in which any Registrar, Interim Registrar, or Assistant Registrar shall die or be removed from or resign or otherwise cease to hold his Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as Registrar, Interim Registrar, or Assistant Registrar, or which shall come into the Possession of his Representatives, shall be delivered up as soon as conveniently may be to his Successor in Office, or to such other Person as the Parochial Board or the Sheriff shall direct; and if any Person shall refuse to give up any such Box, Key, Book, Document, or Paper in such Case as aforesaid, it shall be lawful for the Sheriff of the County where such Person shall be or reside, upon summary Application made for that Purpose by the Parochial Board or any one authorized by them, or without such Application, to issue a Warrant for bringing such Person before such Sheriff; and upon such Person not appearing or not being found, it shall be lawful for the Sheriff to hear and determine the matter in a summary Way; and if it shall appear to him that any such Box, Key, Book, Document, or Paper is in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the Sheriff is hereby authorized and required to commit such Person to the Common Gaol of such County, or to any legal Gaol or Place of Confinement within the same, near the Place where such Person may be or reside, there to remain without Bail until he shall have delivered up the same, or until Satisfaction shall have been given in respect thereof to the Person in whose Custody the same ought to be, or to the Parochial Board.

Registrars to dwell in Parish, and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship.

XXV. The Registrar and Assistant Registrar shall dwell or have a known Place of Business within the Parish or District of which he is Registrar or Assistant Registrar; and every Registrar shall cause his Name, with the Addition of Registrar for the Parish or District for which he shall be so appointed, to be placed in some conspicuous Place outside of or on or near the outer Door of his own Dwelling House, or of his usual Place of Business if different or apart from his Dwelling House; and the Sheriff shall cause to be printed and affixed for Two consecutive *Sundays* in the Month of *November* One thousand eight hundred and fifty-four, and in the Month of *July* yearly thereafter, upon some conspicuous Place on the Doors of all the known Places of Public Worship within the County of which he is Sheriff, and of every Burgh in such County, a List of the Names and Dwelling Houses or usual Places of Business, if different or apart from the Dwelling Houses, of every Registrar and Assistant Registrar in such County or Burgh respectively.

Registrar to learn and register Births and Deaths.

XXVI. Every Registrar shall, subject to the Regulations to be made as aforesaid, be and he is hereby authorized and required to inform himself carefully of every Birth and Death which shall happen within his Parish or District, and to learn and register, as soon after the Event as conveniently may be done, and without Fee or Reward, save as herein-after provided, in One of the said Register Books, the Particulars required to be registered, according to the Forms in the Schedules (A.) and (B.) hereunto annexed respectively, touching every such Birth or every such Death, as the Case may be, every such Entry being made in Order from the Beginning to the End of the Book as aforesaid; and in case of the Parish of the Birth being different from the Parish of the Domicil of the Parents of the Child, the Registrar of the Parish of the Birth shall, within Eight Days after the Entry of the Birth in his Register, transmit a Copy of such Entry to the Registrar of the Parish of the Domicil, if known to him, and the Registrar of the Parish of the Domicil shall forthwith transcribe such Entry in the Register of such Parish, and mark on the Margin of such Entry the Name of the Parish of the Birth.

Parents, &c. to give

XXVII. The Parents or Parent, or, in case of the Death or Inability of the Parents, the Person in charge of any Child born, and the Occupier of every House or Tenement in which to his or her Knowledge any Birth shall take place, and the Nurse present at such Birth, and in the Case of an illegitimate Child the Mother of such Child, or in case of the Death, Illness, or Inability of the Mother, the Person in charge of such Child, or the Occupier of the House or Tenement in which to his or her Knowledge the Child was born, or the Nurse present at the Birth of such Child, shall, within Twenty-one Days next after the Day of such Birth, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish or District in which the Birth occurred, to the best of his or her Knowledge and Belief, of the several Particulars required by the Schedule (A.) hereunto annexed to be registered touching such Birth, and shall in Presence of the Registrar sign the Register; and in the event of Failure or Neglect so to give Information, such Parents and Persons above specified, and also any other Person having Knowledge of the Particulars, shall, upon being required personally or by written Requisition, within Three Months after the Date of such Birth, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Birth occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (A.) required to be registered touching the Birth of such Child, and shall sign the Register in the Presence of the Registrar.

Information of Births, and to sign the Register.

XXVIII. In case of any Doubt existing as to the Sex or regarding the Birth of any Child, it shall be lawful for the Registrar to require the Production of the Child, and the Parents or any Person in charge of the Child shall be bound to produce it to the Registrar, unless prevented by the Illness of the Child, or other Reason satisfactory to the Registrar, under a Penalty of Forty Shillings in case of Non-compliance.

Registrar may require any Child to be produced.

XXIX. In case any Person shall find exposed any new-born Child, or the dead Body of any new-born Child, such Person shall forthwith give notice of the finding of such exposed new-born Child, or the dead Body of such new-born Child, to the Registrar of the Parish or District, or to the Inspector of the Poor thereof, or to the District Constable, and such Registrar or Inspector or District Constable shall give the like Notice to the Procurator Fiscal; and any such Person, or Registrar, or Inspector, or District Constable, failing to give the Notice hereby required, shall be liable in a Penalty not exceeding Forty Shillings.

Intimation of finding new-born Child or dead Body of new-born Child.

XXX. If

Register of Children born at Sea.

XXX. If any Child of a *Scottish* Parent shall be born at Sea on board of a British Vessel after the said Thirty-first Day of *December* One thousand eight hundred and fifty-four, the Captain or Commanding Officer of such Vessel shall forthwith make a Minute in the Log Book or otherwise of the several Particulars hereby required to be registered, touching the Birth of such Child, so far as the same may be known, and the name of the Vessel in which the same took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity, send a certified Copy of such Minute through the Post Office to the Registrar General in *Edinburgh*, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in a Book to be kept for that Purpose in the General Registry Office, to be called "The Marine Register," and the Registrar General shall keep such Book with the Duplicate Registers according to the Provisions of this Act; and the Registrar General shall, within Three Days after the Receipt of such Minute, transmit a like Copy to the Registrar of the Parish in which the Child's Parents are or were last domiciled, if known to him, and such Registrar shall forthwith enter the Particulars specified in such Copy in his Register, noticing such Transmission therein, in such Manner as shall be prescribed by the Registrar General.

Registration after Three Months from the Birth of the Child.

XXXI. After the expiration of Three Months following the Day of the Birth of any Child it shall not be lawful for any Registrar to register such Birth save as herein provided; and in case the Birth of any Child shall not have been registered according to the Provisions herein-before made, it shall be lawful for either of the Parents of any legitimate Child, and for the Mother of any illegitimate Child, or for the Guardians of any legitimate or illegitimate Child, to make a Declaration in Writing before the Sheriff of the Particulars required to be registered touching the Birth of such Child, according to the best of his or her Knowledge and Belief, and it shall thereupon, with the Authority of the Sheriff, be lawful for the Registrar to register the Birth of such Child according to the Information of the Person making such Declaration; and in every such Case the Sheriff before whom such Declaration is made shall sign the Entry of the Birth in the Register as soon as conveniently may be after such Declaration shall have been so made; and for every such Registration the Registrar shall be entitled, unless the Delay shall have been occasioned by his Default, to a Fee of Two Shillings from the Person requiring such Birth to be registered; and no Register of Births, except in the Case of Children born at Sea, shall be admissible in Evidence to prove the Birth of any Child wherein it shall appear that more than Three Months have intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child, unless the Entry shall be signed by the Sheriff; and every Person who shall knowingly register or cause to be registered the Birth of any Child otherwise than herein provided, after the Expiration of Three Months following the Day of the Birth of such Child, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Name given in Baptism after Registration may be registered within Six Months.

XXXII. If any Child whose Birth shall have been registered as aforesaid shall have any Name given to it in Baptism, or shall have the Name by which it may have been registered altered in Baptism, the parent or Guardian of such Child, or other Person procuring such Name to be given, may, if such Name shall be given within Six Months after such Registration, or if beyond Six Months, then only with the written Authority of the Sheriff, granted on a Statement of the Circumstances submitted to him, procure and deliver to the Registrar in whose Custody the Register of the Birth of the Child shall be, a Certificate, according to the Form of Schedule (D.) to this Act annexed, or to the like Effect, signed by the Minister who shall have administered the Sacrament of Baptism, which Certificate such Minister is hereby required to deliver as soon as may be after the Baptism, or, whenever the same shall be demanded, within Six Months, or if after Six Months, then with the Authority of the Sheriff, as aforesaid; and the Registrar, upon the Receipt of such Certificate, and on payment of the Fee of One Shilling, to which he shall be entitled, shall, without any Erasure of the Entry of the Birth in the Register, forthwith insert the Name by which the Child was baptized in the Register, and shall, after Entry of the Name in the Register, certify upon the Certificate the Fact of the Name being so entered; and in case the Duplicate Register in which such Entry is recorded shall have been transmitted to the Registrar General as herein-after directed, the Registrar shall transmit the Certificate through the Post Office to the Registrar General, who shall cause the like Entry of the Name to be made in the certified Copy of the Register in the General Registry Office, and shall preserve the Certificate.

Provision for Name given without Baptism after Registration.

XXXIII. In the Case of any Child of Parents not recognizing the Sacrament of Baptism or Infant Baptism, it shall be lawful for such Parents or the Guardians of such Child, within Six Months, after the Birth of any such Child shall have been registered, or if after Six Months, then only with the written Authority of the Sheriff, granted on a Statement of the Circumstances submitted to him, when any Name shall have been given to any such Child by the Parents or Guardians of such Child, other than that by which it may have been registered, to deliver to the Registrar in whose Custody the Register of the Birth of such Child shall be, a Certificate in the Form of the Schedule (E.) to this Act annexed, or to the like Effect, signed by such Parents or Guardians, whereupon, and upon Payment of a Fee of One Shilling, such Registrar shall, without Erasure as aforesaid, register therein the Name of such Child; and such Certificate shall be certified and transmitted by the Registrar to the Registrar General in the like Manner and to the like Effect as is herein-before prescribed regarding Certificates in relation to Names given in Baptism.

Minister, on Non-production of Certificate of Registration of Birth, to send Notice to Registrar.

XXXIV. There shall be produced to the Minister or other Person officiating in the Administration of the Sacrament of Baptism of any Child a Certificate of the Registration of the Birth of such Child, and failing such Production such Minister or other Person shall forthwith intimate the Baptism of such Child, with all the Information which he may have regarding the Birth and Parentage of such Child, to the Registrar of the Parish in which the Parents of such Child reside.

Name of Father of illegitimate Child not to be entered, unless at Request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar.

XXXV. In the Case of an illegitimate Child it shall not be lawful for the Registrar to enter the Name of any Person as the Father of such Child, unless at the joint Request of the Mother and of the Person acknowledging himself to be the Father of such Child, and who shall in such Case sign the Register as Informant along with the Mother: Provided always, that when the Paternity of any illegitimate Child has been found by Decree of any competent Court, the Clerk of Court shall, within Ten Days after the Date of such Decree, send by Post to the Registrar of the Parish in which the Father is or was last domiciled, or in which the Birth shall have been registered, Notice of the Import of such Decree in the Form of the Schedule (F.) to this Act annexed, or to the like Effect, under a Penalty not exceeding Forty Shillings in case of Failure; and on receipt of such Notice the Registrar shall add to the Entry of the Birth of such Child in the Register the Name of the Father and the Word "Illegitimate," and shall make upon the Margin of the Register opposite to such Entry a Note of such Decree and of the Import thereof; and in like Manner in the Event of any Child registered as illegitimate being subsequently found by Decree of any competent Court to be legitimate, the Clerk of Court shall notify such Decree to the Registrar, in the Form as nearly as may be of the said Schedule (F.), who shall forthwith make upon the Margin of the Register in which the Birth is entered, and opposite to such Entry, a Note of such Decree and of the Import thereof, under a Penalty not exceeding Forty Shillings in case of Failure.

XXXVI. In

Correction of Registration of Children legitimated per subsequens matrimonium.

XXXVI. In the event of any Child, registered as illegitimate, being legitimated per subsequens matrimonium, the Registrar of the Parish in which the Birth of such illegitimate Child was registered shall, upon Production of an Extract of the Entry of such Marriage in the Register of Marriages, note on the Margin of the Register opposite to the Entry of the Birth the Legitimation of such Child per subsequens matrimonium, and the Date of the Registration of such Marriage: Provided always, that in all cases in which the Paternity of such illegitimate Child shall not have been registered in manner herein-before provided as having been acknowledged, or as having been determined by Decree, the Registrar shall not note any such Legitimation or Marriage opposite to the Entry of the Birth of such Child unless authorized so to do by Warrant of the Sheriff granted upon the joint Application of both Parents, of which Intimation shall be made as such Sheriff may direct, and after due Inquiry, and hearing any Parties having Interest who may appear to oppose such Application.

Certificate of Entry of Birth to be given.

XXXVII. When any Entry of a Birth shall be made in a Register, upon the Information of any Person required to give Information under this Act, the Registrar on making such Entry shall give or transmit by Post to the Informant, within Two Days after the Date of the Entry, an Extract thereof, without Payment of any Fee, under a Penalty not exceeding Forty Shillings in case of Failure.

Persons present, &c. to give Information of Death, and to sign the Register.

XXXVIII. The nearest Relatives present at the Death of any Person, and the Occupier of the House or Tenement in which the Death took place, and if the Occupier be the Person who shall have died, his nearest Relatives and the Inmates of the House or Tenement in which such Death shall have taken place, shall, within Eight Days next after the Day of such Death, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Death occurred, to the best of his or her Knowledge and Belief, of the several Particulars required by the Schedule (B.) hereunto annexed to be registered touching such Death, and shall in Presence of the Registrar sign the Register; and in the event of Failure or Neglect so to give Information, such Persons, and any other Person having Knowledge of the Particulars, or if such Death shall not have taken place within a House, then every Person present at such Death or having a Knowledge of the Circumstances attending the same, shall, upon being required personally or by written Requisition, within Fourteen Days after the Date of such Death, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Death occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (B.) required to be registered touching such Death, and shall sign the Register in Presence of the Registrar.

In case of Persons dying not in a House.

XXXIX. In the event of any Person dying not in a House or Tenement the Occupier of the House or Tenement in which such Person was at the Time lodging or residing, or if the Person dying shall have been the Occupier, then the Inmates of such House or Tenement, upon respectively receiving Information of such Death, shall, within Twenty-four Hours thereafter, give or cause to be given Notice thereof to the Registrar of the Parish within which the Deceased lodged or resided, under a Penalty not exceeding Forty Shillings in case of Failure; and if it shall not be known where the Deceased lodged or resided, any Person present at the Death or finding the Body, and any Parish or public Officer, or any Party to whom the Body shall be brought, and who shall receive the same, shall in like Manner, and under the like Penalty in case of Failure, be bound to give the like Notice thereof to the Registrar of the Parish in which the Body shall be so found, or in which it shall be so received, and the Registrar shall immediately thereupon communicate such Notice to the Procurator Fiscal, under a like Penalty in case of Failure; and in case the Procurator Fiscal shall receive such Notice from any other Person than the Registrar, the Procurator Fiscal shall, within Three Days, communicate such Particulars as are by this Act required to be registered, so far as within his Knowledge, to the Registrar.

Procurator Fiscal to give Result of Precognition.

XL. Provided always, That in every Case in which a Precognition touching the Death of any Person shall be held, the Procurator Fiscal, having regard to the Particulars herein required to be registered concerning the Death, shall, in such Form and Manner as shall be prescribed by the Sheriff, with the Approbation of the Lord Advocate, inform the Registrar of the Result of such Precognition, and the Registrar shall, without requiring the Procurator Fiscal to sign the same, make the Entry accordingly, stating the Procurator Fiscal as his Informant.

Medical Attendant to transmit Certificate of Death to the Registrar.

XLI. The Medical Person who shall have been in Attendance during the last Illness, and until the Death of any Person, shall, within Fourteen Days after the Death of such Person, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Death, in the Form of the Schedule (G.) hereunto annexed, the Particulars of which shall forthwith be entered by the Registrar in the Register, and the Registrar shall from Time to Time furnish gratis to every Medical Person within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate.

Undertaker to transmit Certificate of Interment to the Registrar.

XLII. The Undertaker or other Person having charge of the Interment of any Person shall, within Three Days after such Interment, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Interment, in the Form of the Schedule (II.) hereunto annexed, the Particulars of which shall forthwith be entered by the Registrar in the Register, and the Registrar shall from Time to Time furnish gratis to every Undertaker within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate.

Register of Persons dying at Sea.

XLIII. If any of Her Majesty's *Scottish* Subjects shall die at Sea on board of a *British* Vessel after the said Thirty-first Day of *December* One thousand eight hundred and fifty-four, the Captain or Commanding Officer of the Vessel on board of which such Death shall have happened shall forthwith make a Minute in the Log Book or otherwise of the several Particulars herein required to be inserted in the Register touching such Death, so far as the same may be known, and the Name of the Vessel wherein the Death took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier opportunity, send a certified Copy of such Minute through the Post Office to the Registrar General in *Edinburgh*, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own signature, to be entered in "The Marine Register," and shall within Three Days after the Receipt of such Minute transmit a like Copy to the Registrar of the Parish in which the Deceased was domiciled, if known to him, so that the Registrar thereof may forthwith make the requisite Entry in the Register of Deaths; and in Cases of Shipwreck, the Captain or any Officer of the Vessel who may have escaped, or if the Officers have all perished, then any Person who may have escaped, and shall be required by the Registrar General to that effect, shall to the best of his Knowledge comply with the Provisions and Requisitions in this Section, as far as the Case will admit.

Registrar to give Certificate of Registration of Death to be delivered at Interment.

XLIV. The Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall without Fee or Reward deliver to the Informant, for the Use of the Undertaker or other Person having Charge of the Funeral, a Certificate under his Hand, according to the Form of Schedule (I.) to this Act annexed, that such Death had been duly registered; and such Certificate shall, under a

Penalty not exceeding Ten Pounds in case of Failure, be delivered by such Undertaker or other Person to the Person having the Charge of the Churchyard, Cemetery, Church, Chapel, Aisle, Vault, or other Place of Interment, or having the Control, Management, or Superintendence of the Burial of the Dead in the Place of Interment in which the body is to be buried, previous to the Interment taking place; and if any dead Body shall be buried for which no Certificate shall have been so delivered, the Person having Charge of such Churchyard or other Place of Interment shall within Three Days thereafter, under a Penalty not exceeding Twenty Shillings in case of Failure, give Notice thereof to the Registrar of the Parish in which such Death shall have happened, according to the Form of Schedule (H.) to this Act annexed.

Registrar may require Parties to attend him to give Information.

XLV. If the Parties bound to give Information to the Registrar for completing his Register shall not attend him for that Purpose, he shall make Intimation to them requiring them to attend him for such Purpose at his Place of Abode or known Place of Business where the Register is kept at an Hour to be fixed in such Intimation, between the Hours of Eight of the Clock in the Morning and Six of the Clock in the Evening; and in case of their failing to attend, then the Registrar shall make a second Intimation to the like effect, and if the Parties shall again fail to attend, the Registrar shall apply to the Sheriff, who, upon Evidence to his Satisfaction of such Failure after Two successive Intimations as aforesaid, shall issue his Warrant for compelling the Attendance of the Parties so failing, which may be executed by any Sheriff Officer; and if the Expenses of such Warrant shall not be recovered from the Parties failing to attend as aforesaid, it shall be lawful for the Registrar to include the same in the Account to be furnished by him to the Parochial Board as herein-after directed.

Registration of regular Marriages.

XLVI. In all Cases of regular Marriages, when the Certificates of the Proclamation of the Banns are given out, such Certificates shall be accompanied by a Copy of the said Schedule (C.), and upon the Solemnization of the Marriage, such Schedule, having all the Information thereby required inserted therein, shall be produced to the Minister solemnizing the Marriage, or to the Person solemnizing any Marriage according to the Rites and Forms respectively observed by Jews and Quakers, or shall be filled up in the Presence of such Minister or Person, and shall be signed by the Parties contracting the Marriage, and by the Witnesses, Male or Female, present thereat, not being less than Two, and also by the Minister or Person officiating, and be delivered to the Parties contracting the Marriage, who shall within Three Days thereafter either deliver or send by Post such Schedule to the Registrar of the Parish wherein the Marriage was solemnized; and the Husband, and failing the Husband the Wife, shall in case of Failure so to deliver or send such Schedule be liable in a Penalty not exceeding Ten Pounds; and upon being received by the Registrar, the Particulars of such Schedule shall be forthwith entered by him in the Duplicate Registers; and all such Schedules shall be taken by the Registrar with the Duplicate Registers to the Sheriff, and shall be transmitted by the Sheriff with the Duplicate Registers to the Registrar General, for Preservation in the General Registry Office.

Registrar to attend Parties when required to register Marriages.

XLVII. It shall be competent to the Persons intending to contract Marriage to require the Registrar of the Parish to attend at the Solemnization thereof, at any place within such Parish; and such Registrar is hereby required, upon a written Notice of Forty-eight Hours given to him to that Effect, to attend with the Register Book accordingly, and to make the proper Entry therein, and for such Attendance and Entry the Registrar shall be entitled to a Fee of Twenty Shillings, besides the Sum of Sixpence for each Mile which such Registrar shall be obliged to travel in going from his Place of Abode to the Place of such Marriage.

Marriages of Persons fined for irregular Marriages, and Marriages established by Decree of Declarator, to be registered.

XLVIII. In the event of any Persons being convicted before any Justice of the Peace or Magistrate of having irregularly contracted a Marriage, it shall be lawful for either of the Parties to such irregular Marriage, and they are severally hereby required, to register such Marriage in the Parish in which such Conviction shall have taken place; and in case of any Marriage being established by a Decree of Declarator of any competent Court, it shall be lawful for either of the Parties to the Action in which such Decree was pronounced to register such Marriage in the Parish of the Domicil of such Parties, or the Parish of their usual residence; and the Production to the Registrar of an Extract of such Conviction or Decree of Declarator shall be sufficient Evidence and Warrant for the Registration of such Marriages, on Payment to the Registrar of a Fee of Twenty Shillings.

Convictions in irregular Marriages and Decrees of Declarator of Marriages to be intimated to Registrar.

XLIX. The Magistrate before whom or the Clerk of Court in which any such Conviction has taken place, and the Clerk of Court in which any such Decree of Declarator has been pronounced establishing any Marriage as aforesaid, shall, upon such Conviction so taking place or upon such Decree being so pronounced, give Information to the Registrar of the Parish in which such Conviction took place, and in Case of a Decree of Declarator, to the Registrar of the Parish of the Domicil, or of the Parish of the usual Residence of the Parties to the

Action of Declarator, by Notice of the Import of such Conviction or Decree, in the Form of Schedule (K.) to this Act annexed; and any such Clerk of Court failing so to do shall be liable in a Penalty not exceeding Forty Shillings, which may be prosecuted for and recovered at the Instance of the Registrar.

Registrars to make out Account of Number of Births, Deaths, and Marriages half-yearly, and Assessment to be levied and Payment made in respect thereof.

L. Every Registrar shall make out an Account twice in every Year of the Number of Births, Deaths, and Marriages which he shall have registered in the Half Years terminating on the last Day of *June* and the last Day of *December* next preceding, and the Sheriff shall examine and verify or cause the same to be examined and verified; and it shall be lawful for the Parochial Board of the Parish, on Production of such Account so verified and signed by the Sheriff, to levy by Assessment the Sums required for Payment to the Registrar of the Amount of his Account so verified, and such further Sum as may be necessary for his Remuneration, and for the Expenses of taking the Duplicate Registers yearly to the Sheriff; and such Assessment shall be made and levied in the same Manner as and along with but separate from the Assessment for the Support of the Poor; and if there shall be no Assessment for the Support of the Poor in any Parish, then such Assessment shall be made and levied by the Heritors, either in the same Manner as and along with but separate from the Rate for the support of Prisons, or in such other Manner as the Sheriff may direct; and the Parochial Board or the Heritors shall pay to the Registrar such Sums as he shall be entitled to receive in Terms of such verified Account, according to the following Scale; (that is to say), for the first Twenty Entries of Births, Deaths, and Marriages in each Half Year which he shall have registered, whether the same be of Births or of Deaths or of Marriages indiscriminately, Two Shillings each, and One Shilling for each subsequent Entry of Births and of Deaths and of Marriages in each Half Year; and in the event of such Fees being deemed inadequate to his Remuneration, such further Sum as the Parochial Board shall think fit.

Registrars may be paid by Salary.

LI. Provided, That it shall be lawful for the Parochial Board, with the Approbation of the Registrar General or of the Sheriff, to place the Registrar and Assistant Registrar upon Annual Salaries, the Amount of which shall be fixed by the Parochial Board, with the like Approbation; and such Salaries shall be paid by the Parochial Board out of the Assessment to be levied as herein-before directed, and the Fees received by the Registrar, which in such Case shall be accounted for by him to the Parochial Board.

Forms to be supplied gratis.

LII. The Registrar shall furnish gratis to all Persons hereby required to give Information, who shall apply therefor, printed Forms, setting forth the Heads of the Particulars required to be specified and inserted in such Forms; and the Registrar General shall cause a printed Copy of Section Forty-six of this Act, and Copies also of the Schedule (C.) hereunto annexed, to be supplied to the several Registrars, who shall, upon Application therefor, furnish such Copies to any Minister at any Time applying for the same, and to the Session Clerk of every Parish, and to the Registering Officers of the several Societies of Friends, and to the Secretaries of the Jewish Synagogues, for use in the Registration of Marriages under this Act.

Register to be kept in Duplicate, and annually examined by the Sheriff, and Duplicate to be transmitted to the Registrar General.

LIII. All the Registers hereby appointed to be kept shall be kept in Duplicate, and such Duplicates shall be paged continuously alike, and each Page shall be authenticated by the Sheriff affixing his Initials thereto before Delivery thereof to the Registrars, and the Contents of each Page of such Duplicate Register Books shall be the same, and each Page shall be signed by the Registrar; and in the First Week of *August* in each Year, on such Day as shall be fixed by the Sheriff, the Duplicate Register Books for the preceding Year ending on the Thirty-first Day of *December* shall be taken by the Registrar to the Sheriff, by whom, along with the Registrar, the same shall be carefully examined and compared, and a Docquet shall be added at the End of each Duplicate, stating the Examination and Accuracy thereof, the Number of Pages, and any marginal Additions or erasures appearing on either Duplicate, so as to preclude the Possibility of Interpolation, and such Docquet shall be signed by the Parties examining the Duplicates; and one of such Duplicates shall be retained by the Registrar, and the other shall be transmitted by the Sheriff to the Registrar General on or before the Thirty-first Day of *August* in each Year; and the Sheriff when transmitting such Duplicate shall report any Circumstance relating to the Registers to which he may think the Attention of the Registrar General ought to be called.

Additions to or Alterations of the Registers.

LIV. If in the course of any Year any such Additions or Alterations as are directed or authorized by this Act to be made on the Registers shall be so made, the Registrar shall make a Minute in Duplicate of such Additions or Alterations, and on the Day in the Month of *August* when the Sheriff shall examine the Duplicate Registers, as herein-before provided, the Registrar shall deliver one of such Duplicate Minutes to the Sheriff, together with all the relative Documents, and the Sheriff shall, if necessary, inquire into the

Accuracy of the Facts therein set forth, and, if erroneous, correct the Minute; and thereupon the Sheriff and Registrar shall examine and authenticate the Duplicate Minutes, and One thereof shall be retained by the Registrar, and the other shall be transmitted by the Sheriff through the Post Office to the Registrar General, with the Duplicate Registers, and such Minute shall be deemed and taken to be a Part of the Registers, and the Alterations and Additions so authenticated shall forthwith be given effect to on or opposite to the Entries in the Duplicate Registers previously transmitted to the Registrar General for the Periods to which such Alterations and Additions apply.

Duplicate Register to supply the Place of any Register destroyed or become illegible.

LV. If any Duplicate Register in the Custody of the Registrar shall be lost, destroyed, or mutilated, or shall have become illegible, in whole or in part, such Fact shall be forthwith communicated by the Registrar to the Registrar General, who shall require the Registrar immediately to transmit to him the Duplicate Register which shall have been mutilated or become illegible; and the Registrar General shall thereupon present a Petition to one of the Divisions of the Court of Session, setting forth the Fact of the Loss, Destruction, Mutilation, or total or partial Illegibility, as the Case may be, of such Duplicate Register, and the Date of the Discovery of such Loss, Destruction, Mutilation, or total or partial Illegibility of such Duplicate; and the Court, on being satisfied regarding the same, and after such Intimation as they may think proper, shall order such Register to be corrected or completed, or a new Duplicate to be made, at the Sight of the Registrar General, and such corrected or completed Duplicate, or new Duplicate, authenticated by the Signature of the Registrar General, shall thereupon become in all respects of the same Force and Validity as the original Duplicate.

Indexes of Parish Registers to be made, which may be searched.

LVI. Every Registrar shall forthwith make tabular alphabetical Indexes of the Duplicate Registers in his Custody, to be kept in the Registrar's Office; and every Person shall be entitled at all reasonable Hours to search the said Indexes, subject to such Regulations as the Sheriff may prescribe, and to have an Extract of any Entry or Entries in such Registers under the Hands of the Registrar, on payment of the Fees herein-after mentioned, (that is to say,) for every general Search the Sum of Two Shillings, and for every search for a particular Register of Birth, Death, or Marriage, the Sum of One Shilling, and for every Extract of any Entry the Sum of Two Shillings; and any Registrar who shall refuse or neglect to make such Extract for One Month after being required so to do shall be liable in a Penalty not exceeding Ten Pounds.

Indexes to be kept at General Registry Office, where they may be searched.

LVII. Every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the tabular alphabetical Indexes of the Duplicate Registers in the Custody of the Registrar General, between the Hours of Ten in the Morning and Four in the Afternoon of every Day except *Sunday*, and to have an Extract of any Entry in the said Duplicate Registers; and for every general Search of such Indexes the Sum of Twenty Shillings, and for every particular Search the Sum of One Shilling, and for every Extract of any Entry the Sum of Two Shillings, and no more shall be paid to the Registrar General, or such other Officer as shall be appointed to receive such Fees on his Account: Provided, that it shall be competent to the Registrar General to permit gratis Searches to be made by or on behalf of and Extracts to be given gratis to Persons of whose Inability to pay he shall be satisfied.

Extracts of Entries to be admissible as Evidence.

LVIII. Every Extract of any Entry in the Register Books to be kept under the Provisions of this Act, duly authenticated and signed by the Registrar General, if such Extract shall be from the Registers kept at the General Registry Office, and by the Registrar if from any Parochial or District Register, shall be admissible as Evidence in all Parts of Her Majesty's Dominions, without any other or further Proof of such Entry.

Money received by Registrar General to be accounted for.

4 & 5 W. 4. c. 15.

LIX. Every Sum received by the Registrar General under the Provisions of this Act shall be accounted for, and paid by the Registrar General, at such Times as the said Commissioners of her Majesty's Treasury from Time to Time shall direct, into the Bank of *England*, to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, or be applied by Order of the said Commissioners towards the Payment of the Expenses of the said General Registry Office.

Penalty on giving false Information.

LX. Every Person who shall knowingly and wilfully make or cause to be made, for the Purpose of being inserted in any Register of Birth, Death, or Marriage, any false or fictitious Entry, or any false Statement regarding the Name of any Person mentioned in the Register, or touching all or any of the Particulars by this Act required to be Registered, shall be deemed guilty of an Offence, and on Conviction shall be punishable by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Penalty on Registrar for omitting to register.

LXI. Every Registrar who shall refuse, or, without reasonable Cause, omit to register any Birth or Death or Marriage, or to make any Addition to or Alteration upon the Register, in accordance with the Provisions of this Act, shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

Penalty for destroying or falsifying Register, &c.

LXII. Every Person who shall wilfully destroy, obliterate, erase, or injure any Entry, or cause to be destroyed, obliterated, erased, or injured any such Register, or Duplicate thereof, or any Minute, Notice, or Certificate made or given pursuant to this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Duplicate, or any such Minute, Notice, or Certificate, or shall wilfully insert or make or cause to be inserted or made in any such Register or Duplicate any false or fictitious Entry of or any false Statement touching any Birth, Death, or Marriage, or shall wilfully give any false Certificate, or falsify any Certificate, or shall certify any Writing to be an Extract of any such Register, knowing the same to be false or fictitious in any Part thereof, shall be deemed guilty of an Offence, and on Conviction thereof be liable to be punished by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

For correcting erroneous Entries.

LXIII. If any Error shall be discovered to have been committed in the Entry of any Birth, Death, or Marriage in any such Register, the Person discovering the same shall forthwith give Information thereof to the Sheriff, and it shall be lawful for the Sheriff, and he is hereby authorized and required, thereupon, or upon otherwise coming to the knowledge of such erroneous Entry, to summon before him the Person who made and any Person concerned in the making such erroneous Entry, or having Knowledge regarding the same, and also any Person interested in the Effect of such erroneous Entry, and to examine all such Persons upon Oath; and if the Sheriff shall be satisfied that any Error has been committed in any such Entry, he shall, by Authority in Writing under his own Hand, direct a corrected Entry of the Birth, Death, or Marriage in relation to which such Error has been committed, and bearing the Date of the Correction, to be made in a separate Register Book, to be called "The Register of corrected Entries," and in such corrected Entry Reference shall be made to the Depositions upon which the Correction of the Error has proceeded, and the Sheriff shall also make or cause to be made an Entry or Marking upon the Margin of the Original Entry of such Birth, Death, or Marriage in the Duplicate Registers, but shall not alter the original Entry, distinctly referring by Volume and Page and Date to the Entry made in "The Register of corrected Entries;" and in case the Duplicate Register shall have been transmitted to the Registrar General, the Sheriff shall transmit a Copy of the corrected Entry and Relative Marking, authenticated by his Signature, to the Registrar General, to be inserted in the Duplicate Register so transmitted; and the Sheriff shall every Year transmit such "Register of corrected Entries" to the Registrar General, at the same Time and in the same Manner as is provided for the Transmission of Duplicate Registers.

Errors in Entry may be corrected before signing.

LXIV. Provided always, That Errors committed in the Form or Substance of any Entry may be corrected according to the Truth of the Case before the Entry is signed; and if any Correction is intended to be made by Erasure or Obliteration, the same shall be effected by drawing a Line through the erroneous Words or Figures, but so as to leave the same legible; and any Addition or Alteration relative to such Correction shall be made as near as may be to the Correction, and the Registrar shall affix his Signature thereto.

Recovery and Application of Penalties.

LXV. All Penalties imposed by this Act may, unless otherwise directed, be recovered by summary Proceedings upon Complaint in Writing made by the Procurator Fiscal to the Sheriff of the County within which such Penalty shall be incurred, or to the Sheriff of any County in which the Person complained against may be found; and on such Complaint being made such Sheriff shall issue a Warrant for bringing such Person immediately before him, or shall issue an Order requiring such Person to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Person complained against, either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded; and either upon the Appearance or on the Default to Appear of such Person it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Person complained against, or upon the Oath of One or more credible Witness or Witnesses, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decree, adjudge, and sentence him to pay the Penalty incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Offender shall be discharged, notwithstanding such Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months, and such Penalty shall go to the Registrar General; and the Decision of the Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review in any Court or by any Process whatsoever.

LXVI. Where

Town Councils of Burghs to have Powers of Parochial Boards.

LXVI. Where any Parish shall be situated wholly or in part in a Burgh, the Town Council of such Burgh shall have and possess all the Powers hereby conferred on Parochial Boards, and shall be liable to the Discharge of all the Duties hereby imposed on such Boards in respect of such Parish or Part of a Parish; and such Powers and Duties shall be exercised and discharged by such Town Council as nearly as may be in Terms of the Provisions herein contained relative to such Parochial Boards; and such Town Council shall be entitled to levy such Assessment on the Real Rent of Lands and Heritages within such Burgh as may be required to defray the Expense of their Proceedings under this Act; and the Word "Burgh" shall have the Meaning annexed to it in the Seventy-sixth Section of this Act, excepting in the Case of Burghs which do not as Burghs send or contribute to send a Member to Parliament, the Boundaries of which shall continue to be as fixed by Royal Charter, or Act of Parliament, or other Constitution thereof.

Expense of Correspondence of Registrar General relating to this Act how to be defrayed.

LXVII. The Expense attending the Postage or Carriage of all Letters and Packets relating exclusively to the Execution of this Act, sent by the General Post from Place to Place in *Great Britain* and *Ireland*, to or from the Registrar General, and also the Expense of registering any Letter containing any Register transmitted through the Post Office, shall be defrayed as a Part of the Expense of the General Registry Office hereinbefore provided for: Provided always, that such Letters and Packets as shall be sent to the Registrar General be directed to the Registrar General in *Edinburgh*, and all such Letters and Packets as shall be sent by the Registrar General shall be in Covers, with the Words "Registrar General, *Edinburgh*," printed on the same, and be signed on the Outside thereof under such Words with the Name of such Person as the Registrar General, with the Consent of the said Commissioners of Her Majesty's Treasury, shall appoint, in his own Handwriting, such Name to be from Time to Time sent to the Secretaries of the General Post Office in *London*, *Edinburgh*, and *Dublin*, and under such other Regulations as the said Commissioners shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate exclusively to the Execution of this Act, or if the Person so to be appointed, or any other Person, shall knowingly send or cause to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure other than shall relate exclusively to the Execution of this Act, every Person so offending shall forfeit and pay the

Sum of One hundred Pounds, and be dismissed from his Office, one Moiety of such Penalty to be paid to the Use of her Majesty, Her Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for or recovered in any competent Court.

Proclamation of Banns and Law of Marriage not affected.

LXVIII. Nothing herein contained shall affect the Proclamation of Banns, or the Registration thereof, as at present in use, or the Law of Marriage in *Scotland.*

Registrar General to furnish Notices of Acts required to be done to Sheriffs for Publication on Doors of Places of Worship, &c.

LXIX. The Registrar General shall, within Three Months after his Appointment to such Office, and from Time to Time as he shall think fit, furnish to the respective Sheriffs of the several Counties in *Scotland* such printed Notices respecting the Acts required to be done under this Act by the Persons who are herein required to give Notice or Information with regard to any Birth, Death, or Marriage as he shall think it requisite to be publicly known, which Notices the Sheriff shall, as soon as conveniently may be after the Receipt thereof, cause to be affixed on the Outside of the Doors of all the known Places of Public Worship or other public and conspicuous Buildings or Places within their respective Counties.

Notices may be given by Post.

LXX. Wherever Notice is required to be given by this Act, the Person bound to give the Notice shall be held to have sufficiently discharged himself if he shall have put into the Post Office, before the Expiration of the Period within which the Notice is required to be given, a Letter addressed to the Person to whom and containing the Particulars of which the Notice is required to be given.

Penalties not exigible if Notice given.

LXXI. No Penalty imposed by this Act on Parties failing to give any Notice required by this Act shall be exigible, if any of the Parties so required shall have given such Notice.

Parties may sign by a Mark before Witnesses.

LXXII. In case of the Inability to write of any Person whose Signature is required or necessary under this Act, it shall be lawful for such Person to adhibit a Cross or other Mark, and being adhibited in Presence of the Registrar, or Sheriff, or Two Witnesses, who shall adhibit their Designations to their Signatures, such Mark shall be in all respects as binding and effectual as the Signature of such Person if capable of writing would have been.

No Penalty where Failure not wilful.

LXXIII. No Penalty shall be exacted in any Case where it shall appear to the Satisfaction of the Sheriff that the Party failing to comply with the Provisions of this Act, in relation to the giving Notices under the same, has not wilfully been guilty of such Failure, but that such Failure has been occasioned by unavoidable Accident, or by Circumstances over which he had no Control, and where he has used every reasonable Endeavour towards Compliance with such Provisions.

LXXIV. It

Registrar General may alter Schedules.

LXXIV. It shall be lawful for the Registrar General, with the Consent of Her Majesty in Council, to diminish, from Time to Time, the Fees hereby authorized to be taken, and to alter the Schedules to this Act annexed, regard being always had to the Objects and Purposes of this Act, and to rendering the same more effectual; and such Alteration of Fees or Schedules shall be published in the *Edinburgh Gazette*, and shall within Fourteen Days after the same shall have been issued be laid before both Houses of Parliament, or if Parliament shall not be then sitting, within Fourteen Days after the meeting of the then next Session.

Compensation where Keepers of Registers deprived of Office by Operation of this Act.

LXXV. If any Person being by Law in the Office of Keeper of any Register of Births, Baptisms, or Burials, and not being a Session Clerk, shall, in the Execution of this Act, be deprived of such Office, and thereby suffer Loss of the Emoluments of such Office, it shall be competent to such Person to make Application to the said Commissioners of Her Majesty's Treasury, setting forth the Amount of such Loss, together with the Vouchers and Evidence thereof, and the said Commissioners may on consideration of the same find the Applicant entitled to Compensation, and award the same to such Amount as they shall think fit, or find that he is not entitled to Compensation.

Interpretation of Act.

LXXVI. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in *Scotland* for the Time being, appointed and acting under this Act:

The Word "Parish" shall include any Division of a Parish or Union of Parishes into a District or Districts made in pursuance of this Act:

And with regard to any Birth, Death, or Marriage herein mentioned, the Words "Registrar" and "Assistant Registrar" shall mean the Registrar and Assistant Registrar of the Parish or District in which such Birth, Death, or Marriage took place or such Marriage was solemnized, celebrated, or contracted; and the Word "Register" shall mean the Duplicate Registers of Births, Deaths, and Marriages to be kept and made pursuant to this Act:

The Word "Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitutes:

The Words "Procurator Fiscal" shall mean the Procurator

Fiscal of the County or Division of a County of which he is Procurator Fiscal:

The Word "Minister" shall be taken to include Ministers or Pastors of Christian Congregations of all Denominations:

The Word "County" shall include any Division of a County established by Law:

The Word "Burgh" shall apply to a City, Burgh, or Town being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament, and the Boundaries of all such Burghs shall for the Purposes of this Act be the same as are described in the Act Second and Third *William* the Fourth, Chapter Sixty-five:

The Word "Heritors" shall mean Heritors entitled to elect a Schoolmaster under an Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, Chapter Fifty-four:

The Word "Occupier" shall include the Guardian, Master, Governor, Keeper, Steward, House Surgeon, or Superintendent of every Gaol, Prison, or House of Correction, Workhouse, Hospital, Lunatic Asylum, or public Charitable Institution.

Act to extend only to Scotland.

LXXVII. This Act shall extend only to *Scotland.*

SCHEDULES to which this Act refers.

SCHEDULE (A.)

1855. Births in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

No.	Child.				Parents.			Informant.	
					Father.		Mother.		
	Name (if given), and whether Informant present or not. Baptismal Name (if different), or Name given without Baptism after Registration; and Date of insertion thereof.	Sex.	When born. Year, Day of Month, Hour.	Where born. If in Lodgings, so stated.	Name; Rank, Profession, or Occupation; Age; Birthplace.	When and where married; Issue, living and deceased.	Name; Maiden Name; Age; Birthplace.	Signature of Father or Mother or other Informant, and Residence, if out of the House in which the Birth occurred.	When and where registered, and Signature of Registrar.
98	*WALKER,*	*Male.*	1855.	1, *North Street,*	*James Walker,*	1849, *Edinburgh.*	*Jane Walker,*	*James Walker.*	1855.
	JOHN,		*February.*	*Edinburgh.*	*Wine Merchant,*	1 *Boy and* 1 *Girl*	*Maiden Name*	*Father.*	*February 21st.*
	(Present.)		*Eleventh.*		30 *Years.*	*living*	*Hill,*		*At Edinburgh.*
			5*h.* 30*m. a.m.*		*Glasgow.*	1 *Boy deceased.*	*her* 4*th Child.*		
							29 *Years.*		*John Smith,*
							Stirling.		Registrar.

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHE-

1855. Deaths in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

	Description of the Deceased.							Particulars of Death.					
						If Deceased was married,							
No.	Name, Rank, Profession, or Occupation.	Sex.	Age.	Where born, and How long in this District.	Parents' Names, and Rank, Profession, or Occupation.	To whom.	Issue, in Order of Birth, their Names and Ages.	When died. Year, Day of Month, Hour.	Where died.	Cause of Death, and how long Disease continued. Medical Attendant by whom certified, and when he last saw Deceased.	Burial Place, Undertaker by whom certified.	Signature of Informant.	When and where registered, and Signature of Registrar.
301	*CANTY,*	*M*	*62*	*County of Cork,*	*Timothy Canty,*	*Honora*	*1. Timothy, 31.*	*1855.*	*At 16, Cot-*	*Pneumonia—*	*Burial Ground*	*Honora Canty,*	*1855.*
	WILLIAM,			*Ireland.*	*Shoemaker,*	*M'Carty.*	*2. William, 30.*	*February*	*tage Lane,*	*2 Months.*	*of Greyfriars,*	her ✗ *Mark,*	*March 3d.*
	Labourer.			*36 Years in Edin-*	*deceased.*		*3. Mary, 29.*	*Twenty-*	*Edinburgh*	*As certified by H.*	*Edinburgh.*	*Widow,*	*At Edin-*
				burgh.	*Mary Canty,*		*4. John, dec.*	*eighth,*		*Bloomfield, M.D.,*	*As certified by*	*Informant.*	*burgh.*
					Maiden Name		*æt. 27. in*	*6h. 30m.*		*who saw deceased*	*George Wat-*	*JamesJohnston,Shoe-*	*John*
					Nicolas,deceased.		*1854.*	*a.m.*		*Feb. 27th.*	*kins, Under-*	*maker, Edinburgh,*	*Smith,*
							5. Catherine,				*taker.*	*Witness.*	Registrar.
							dec. æt. 1, in					*George Henderson,*	
							1828.					*Clerk in the Register*	
							6. Stephen, 21.					*Office, Edinburgh,*	
												Witness.	

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHEDULE (C.)

1855. Marriages in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

No.	When, where, and how married.	Signatures of the Parties.	Residence.		Age.	Rank or Profession, and Relationship of Parties (if related).	Condition.			Birthplace, and when and where registered.	Parents'		If a regular Marriage, Signatures of Officiating Minister and Witnesses.	If irregular, Date of Extract, Sentence of Conviction, or Decree of Declarator, and in what Court pronounced.	When and where registered, and Signature of Registrar.
			Present.	Usual.			If a Widower or Widow, whether Second or Third Marriage.	Children by each former Marriage. Living.	Children by each former Marriage. Dead.		Names.	Rank, Profession, or Occupation.			
11	*On March*	*William*	*6 High Street,*	*Chelmsford,*	32	*Carpenter*	*Widower,*	2	1	*Born and*	*Peter*	*Uphol-*	*James*		*1855.*
	Third, 1855.	*Hastings.*	*Edinburgh.*	*Essex.*			*Second*			*registered*	*Hastings,*	*sterer.*	*Brown,*		*March 4th.*
	At Edinburgh:						*Mar-*			*on 1 May*	*deceased,*		*Minister of*		*at Edin-*
	Marriage						*riage.*			*1822, at*	*and Ann*	*School-*	*High*		*burgh.*
	(after Banns)									*Bristol.*	*Hastings,*	*mistress.*	*Church,*		
	was solem-										*Maiden*		*Edinburgh.*		*John*
	nized between										*Name*				*Smith,*
	us according	*Sophia Ann*	*4 Hamilton*	*4 Hamilton*	20	*Dressmaker*	*Spinster.*			*Born and*	*Payne.*				*Registrar.*
	to the Rites	*Mitchell.*	*Place, Edin-*	*Place, Edin-*						*registered*	*John*	*Butcher.*	*John*		
	and Ceremo-		*burgh.*	*burgh.*						*at Perth.*	*Mitchell*		*Hastings,*		
	nies of the										*and*		*Witness.*		
	Established										*Sarah*		*Jane*		
	Church of										*Mitchell,*		*Mitchell,*		
	Scotland.										*Maiden*		*Witness.*		
											Name				
											Evans,				

SCHEDULE (D.)

I Minister of do hereby certify That I have this Day baptized by the Name of a (*state the Sex*) Child produced to me by as the Child of *A. B.* and *C. D.* of and declared by the said to have been born at . in the County of on the Day of One thousand eight hundred and . Witness my Hand, this Day of One thousand eight hundred and .

Minister.

SCHEDULE (E.)

I do hereby certify, That the Child named was born at in the County of on the Day of One thousand eight hundred and ; that *A. B.* and *C. D.*, of , are the Parents of the said Child; and that the Name was given to the said Child on the Day of One thousand eight hundred and according to the Rules or Usage of the Sect or Persuasion of to which the said Parents belong. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by Parent or Guardian of Child.*]

SCHEDULE (F.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of . Take notice, That the Court of Session [*or other competent Court*], upon the Day of 18 , pronounced Decree in an Action before the said Court, at the Instance of [*Pursuer's Name and Description*], against [*Defender's Name and Description*], relating to the Paternity of [*describe the Child*], finding that the said Child was the illegitimate Child of the said [*Pursuer and Defender's Names*]. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by the Clerk of Court.*]

SCHEDULE (G.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of .

I hereby certify, That I attended , who was apparently aged Years; that I last saw him [*or* her] on the Day of 185 ; that he [*or* she] died on the Day of 185 , at ; that the Cause of his [*or* her] Death was ; and that the Disease had continued . Witness my Hand, this Day of One thousand eight hundred and .

Signed________________

Profession ________________

Residence________________

SCHEDULE (H.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of . Take notice, That upon the Day of 18 the Body of *A. B.* of was buried in the [*here insert the Name of the Churchyard or other Place of Interment*]. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by the Undertaker or Person having Charge of the Funeral, or the Person having Charge of the Place of Interment.*]

SCHE-

SCHEDULE (I.)

I Registrar of Births, Deaths, and Marriages in the Parish [*or* District] of in the County [*or* Burgh] of do hereby certify, That the Death of *A. B.* of was duly registered by me on the Day of One thousand eight hundred and . Witness my Hand, this Day of One thousand eight hundred and .

______________________Registrar.

SCHEDULE (K.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of . Take notice, That *A. B.*, a Justice of Peace for the County of convicted *C. D.* of of having irregularly contracted a Marriage with *E. F.* of ; *or* that the Court of Session [*or other competent Court*], upon the Day of 18 , pronounced Decree in an Action of Declarator of Marriage before the said Court, at the instance of *G. H.* [*Pursuer's Name and Description*], against *I. K.* [*Defender's Name and Description*], finding that *G. H.* of and *I. K.* of had intermarried. Witness my Hand, this Day of One thousand eight hundred and .

[*Signed by the Clerk of Court.*]

CAP. LXXXI.

CAP. LXXXI.

An Act to make further Provision for the good Government and Extension of the University of Oxford, *of the Colleges therein, and of the College of* Saint Mary Winchester.—[7th August 1854.]

CAP. LXXXII.

An Act further to improve the Administration of Justice in the Court of Chancery of the County Palatine of Lancaster.—[7th August 1854.]

CAP. LXXXIII.

An Act to amend the Laws relating to the Stamp Duties.—[9th August 1854.]

WHEREAS it is expedient to repeal the Stamp Duties now payable in respect of the several Instruments, Matters, and Things mentioned or described in the Schedule to this Act annexed, and to impose other Stamp Duties in lieu thereof, and otherwise to amend the Laws relating to Stamp Duties: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Stamp Duties on Instruments mentioned in Schedule to this Act, payable under other Acts, repealed, and the Duties

I. From and after the Tenth Day of *October* One thousand eight hundred and fifty-four the Stamp Duties now payable in *Great Britain* and *Ireland* respectively, under or by virtue of any Act or Acts of Parliament for or in respect of the several Instruments, Matters, and Things mentioned or described in the Schedule to this Act annexed, and whereon other Duties are by this Act granted, shall respectively cease and determine, and shall be and the same are hereby repealed; and in lieu thereof there shall be granted, charged, and paid in and throughout the United Kingdom of *Great Britain* and *Ireland*, unto and for the Use of Her Majesty, Her Heirs and Successors, upon and in respect of the several Instruments, Matters, and Things described or mentioned in the said Schedule, or upon or in respect of the Vellum, Parchment, or Paper upon which any of them respectively shall be written, the several Duties or Sums of Money specified and set forth in the said Schedule, which said Schedule, and the several Provisions, Regulations, and Directions therein contained, shall be deemed and taken to be Part of this Act, and shall be applied, observed, and put in execution accordingly: Provided always, that nothing herein contained shall extend to repeal or alter any of the said Stamp Duties now payable in relation to any Bill of Exchange, Promissory Note, or other Instrument which shall have been drawn, made, or signed, or which shall bear Date before or upon the said Tenth Day of *October* One thousand eight hundred and fifty-four.

named in said Schedule granted in lieu thereof.

The new Duties by this Act granted to be denominated Stamp Duties, and to be under the Care of Commissioners of Inland Revenue.

II. The said Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts or any Schedule thereto, relating to any Duties of the same Kind or Description heretofore payable in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be in full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the said Duties by this Act granted.

Powers and Provisions of former Acts to be in force.

Duties on Bills drawn out of the United Kingdom to be denoted by adhesive Stamps.

III. The Duties by this Act granted in respect of Bills of Exchange drawn out of the United Kingdom shall attach and be payable upon all such Bills as shall be paid, indorsed, transferred, or otherwise negotiated within the United Kingdom wheresoever the same may be payable, and the said Duties shall be denoted by adhesive Stamps, to be provided by the

Commissioners of Inland Revenue for that Purpose, and to be affixed to such Bills as herein-after directed.

Bills purporting to be drawn abroad deemed for the Purposes of this Act to be so drawn.

IV. Every Bill of Exchange which shall purport to be drawn at any Place out of the United Kingdom shall for all the Purposes of this Act be deemed to be a Foreign Bill of Exchange drawn out of the United Kingdom, and shall be chargeable with Stamp Duty accordingly, notwithstanding that in fact the same may have been drawn within the United Kingdom.

The Holder of a Bill drawn out of the United Kingdom to affix an adhesive Stamp thereon before negotiating it.

Penalty for negotiating such Bill without a Stamp affixed or neglecting to cancel such Stamp.

V. The Holder of any Bill of Exchange drawn out of the United Kingdom, and not having a proper adhesive Stamp affixed thereon as herein directed, shall, before he shall present the same for Payment, or indorse, transfer, or in any Manner negotiate such Bill, affix thereon a proper adhesive Stamp for denoting the Duty by this Act charged on such Bill; and the Person who shall indorse, transfer, or negotiate such Bill shall, before he shall deliver the same out of his Hands, Custody, or Power, cancel the Stamp so affixed by writing thereon his Name or the Name of his Firm and the Date of the Day and Year on which he shall so write the same, to the end that such Stamp may not be again used for any other Purpose; and if any Person shall present for Payment, or shall pay or indorse, transfer or negotiate any such Bill as aforesaid whereon there shall not be such adhesive Stamp as aforesaid duly affixed, or if any Person who ought as directed by this Act to cancel such Stamp in manner aforesaid shall refuse or neglect so to do, such Person so offending in any such Case shall forfeit the Sum of Fifty Pounds; and no Person who shall take or receive from ony other Person any such Bill as aforesaid, either in Payment or as a Security, or by Purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any Purpose whatever, unless at the Time when he shall so take or receive such Bill there shall be such Stamp as aforesaid affixed thereon and cancelled in the Manner hereby directed.

Penalty for drawing and issuing, or transferring or negotiating Bills purporting to be drawn in a Set, and not drawing the whole Number of the Set.

VI. If any Person shall within the United Kingdom draw and issue any Bill of Exchange payable out of the United Kingdom purporting to be drawn in a Set, and shall not draw and issue on Paper duly stamped as required by Law the whole Number of Bills which such Bill purports the Set to consist of, or if any Person shall within the United Kingdom transfer or negotiate any such Bill of Exchange as aforesaid purporting to be drawn in a Set, and shall not at the same Time transfer or deliver on Paper duly stamped as aforesaid the whole Number of Bills which such Bill purports the Set to consist of, every such Person so offending in any of such Cases shall forfeit the Sum of One hundred Pounds; and if any Person shall take or receive

receive in the United Kingdom any such Bill as aforesaid, either in Payment or as a Security or by Purchase or otherwise, without having transferred or delivered to him duly stamped as aforesaid the whole Number of Bills which such Bill purports the Set to consist of, he shall not be entitled to recover on any such Bill, or to make the same available for any Purpose whatever.

Penalty on taking or receiving such Bills.

VII. And whereas, under and by virtue of certain Acts relating to Stamp Duties, certain Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, drawn upon any Banker or Person acting as a Banker residing or transacting the Business of a Banker within Fifteen Miles of the Place where such Drafts or Orders are issued, are exempted from all Stamp Duty, and it is expedient to prevent the negotiating or circulating of such Drafts or Orders unstamped at any Place beyond the Distance of Fifteen Miles from the Place where the same are made payable: Be it enacted, That no such Draft or Order as aforesaid shall, unless the same be duly stamped as a Draft or Order, be remitted or sent to any Place beyond the Distance of Fifteen Miles in a direct Line from the Bank or Place at which the same is made payable or be received in Payment, or as a Security, or be otherwise negotiated or circulated at any Place beyond the said Distance; and if any Person shall remit or send any Draft or Order not duly stamped as aforesaid to any Place beyond the Distance aforesaid, or shall receive the same in Payment or as a Security, or in any Manner negotiate or circulate the same at any such last-mentioned Place, he shall forfeit the Sum of Fifty Pounds.

Unstamped Drafts on Bankers not to be circulated beyond 15 Miles of the Place where made payable.

Penalty on Persons offending.

VIII. Provided always, That it shall be lawful for any Person who shall receive any such Draft or Order as aforesaid at any Place within the said Distance of Fifteen Miles from the Bank or Place at which the same is made payable, which Draft or Order shall have been lawfully issued unstamped, to affix thereto a proper adhesive Stamp, and to cancel such Stamp by Writing thereon his Name or the Initial Letters of his Name, and thereupon such Draft or Order may lawfully be received and negotiated at any Place beyond the Distance aforesaid, anything herein contained notwithstanding.

Drafts lawfully issued unstamped may by affixing thereto an adhesive Stamp be negotiated beyond the Distance of 15 Miles.

IX. And whereas an Act was passed in the Seventeenth Year of the Reign of King *George* the Third, Chapter Thirty, for restraining the Negotiation of Promissory Notes and Inland Bills of Exchange under a limited Sum: Be it enacted, That the said Act, and any Act or Acts continuing or perpetuating the same, shall, so far as they respectively extend or may be deemed or construed to extend to any Draft on a Banker for Payment

Provisions of 17 G. 3. c. 30. as extends to Drafts on Bankers repealed.

Payment of Money held for the Use of the Drawer, be and the same are hereby repealed.

Adhesive Stamps denoting the Duty of One Penny may be used for Receipts or Drafts without regard to their special Appropriation.

X. The adhesive Stamps provided by the Commissioners of Inland Revenue for denoting the Duty of One Penny payable on Receipts and on Drafts or Orders for the Payment of Money to the Bearer or to order on Demand respectively may lawfully be used for the Purpose of denoting the like Amount of Duty either on a Receipt or on such Draft or Order as aforesaid, without regard to the special Appropriation thereof for the other of such Instruments by having its Name on the Face thereof, anything in any Act or Acts contained to the contrary notwithstanding.

What shall be deemed Bank Notes within the Meanings of 7 & 8 Vict. c. 32. and 8 & 9 Vict. cc. 38 & 37.

XI. And whereas an Act was passed in the Seventh and Eighth Years of Her Majesty's Reign, Chapter Thirty-two, to regulate the Issue of Bank Notes; and an Act was passed in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Thirty-eight, to regulate the Issue of Bank Notes in *Scotland;* and another Act was passed in the last-mentioned Years, Chapter Thirty-seven, to regulate the Issue of Bank Notes in *Ireland;* and in order to prevent Evasions of the Regulations and Provisions of the said respective Acts it is expedient to define what shall be deemed to be Bank Notes within the Meaning thereof respectively: Be it enacted, that all Bills, Drafts, or Notes (other than Notes of the Bank of *England*) which shall be issued by any Banker or the Agent of any Banker for the Payment of Money to the Bearer on Demand, and all Bills, Drafts, or Notes so issued which shall entitle or be intended to entitle the Bearer or Holder thereof, without Endorsement, or without any further or other Endorsement than may be thereon at the Time of the issuing thereof, to the Payment of any Sum of Money on Demand, whether the same shall be so expressed or not, in whatever Form and by whomsoever such Bills, Drafts, or Notes shall be drawn or made, shall be deemed to be Bank Notes of the Banker by whom or by whose Agent the same shall be issued within the Meaning of the said Three several Acts last mentioned, and within all the Clauses, Provisions, and Regulations thereof respectively.

All Bills, Drafts, and Notes deemed Bank Notes under the above-recited Acts liable to Stamp Duties, &c.

XII. All Bills, Drafts, and Notes which by or under this Act, or the said Three several Acts last mentioned, or any of them respectively, are declared or deemed to be Bank Notes, shall be subject and liable to the Stamp Duties, and Composition for Stamp Duties, imposed by or payable under any Act or Acts in force upon or in respect of Promissory Notes for the Payment of Money to the Bearer on Demand; and all Clauses, Provisions, Regulations, Penalties, and Forfeitures contained in any Act or Acts relating to the issuing of such

Promissory Notes, or for securing the said Stamp Duties and Composition respectively, or for preventing or punishing Frauds or Evasions in relation thereto, shall respectively be deemed to apply to all such Bills, Drafts, and Notes as aforesaid, and to the Stamp Duties and Composition payable upon or in respect thereof, anything in this Act, or any other Act or Acts, to the contrary notwithstanding.

Exemption from Receipt Stamp Duty of Letters acknowledging Receipt of Bills, &c., repealed.

XIII. And whereas under and by virtue of certain Acts relating to Stamp Duties, Letters by the General Post acknowledging the safe Arrival of any Bills of Exchange, Promissory Notes, or other Securities for Money are exempted from the Stamp Duty granted and imposed on Receipts or Discharges given for or upon the Payment of Money: Be it enacted, That the said Exemption shall be and the same is hereby repealed.

Receipts for Money paid to the Crown exempted from Stamp Duty.

XIV. And whereas under and by virtue of the Laws in force the Stamp Duty on Receipts given for or upon the Payment of Money to or for the Use of Her Majesty, Her Heirs or Successors, is made payable by the Person requiring any such Receipt: Be it enacted, That all such Receipts as last mentioned shall be and the same are hereby exempted from Stamp Duty.

13 & 14 Vict. c. 97.

16 & 17 Vict. c. 63.

XV. And whereas by an Act passed in the Thirteenth and Fourteenth Years of Her Majesty's reign, Chapter Ninety-seven, certain reduced Rates of Stamp Duty were granted and made payable under the Head or Title of "Duplicate or Counterpart" in the Schedule thereto annexed: And whereas by an Act passed in the last Session of Parliament, Chapter Sixty-three, certain Stamp Duties were granted and made payable upon Conveyances, Charters, Dispositions, and Contracts described under the Head or Title of "Conveyance" in the Schedule to the said last-mentioned Act, but no Provision is made for charging the Duplicates or Counterparts of the said Conveyances, Charters, Dispositions, and Contracts with the said reduced Duties, and it is expedient to give such Relief in that respect as herein-after mentioned: Be it enacted, That it shall be lawful for the Commissioners of Inland Revenue, and they are hereby required, upon Production to them of any such Conveyance, Charter, Disposition, or Contract duly stamped, and of the Duplicate or Counterpart thereof stamped for denoting the Amount of Duty chargeable upon a Duplicate or Counterpart under the said Act of the Thirteenth and Fourteenth Years of Her Majesty, to stamp the said Duplicate or Counterpart with the particular Stamp directed by the said last-mentioned Act to be impressed upon a Duplicate or Counterpart for denoting or testifying the Payment of the full and proper

Relief to Persons who have made Duplicates of Conveyances described in 16 & 17 Vict. c. 63.

proper Stamp Duty on the original Deed or Instrument; and if the said Duplicate or Counterpart shall be stamped with any ad valorem Stamp Duty of greater Amount than the Amount of Stamp Duty so chargeable as aforesaid on a Duplicate or Counterpart, the said Commissioners shall allow and repay such Excess of Stamp Duty, and rectify the Stamps accordingly, and thereupon such Duplicate or Counterpart shall be deemed to be duly stamped.

Deeds made for several valuable Considerations to be chargeable in respect of each.

XVI. And where any Conveyance, Charter, Disposition, or Contract described in the Schedule to this Act shall be made partly in consideration of such annual Sum as in the said Schedule is mentioned, and partly in consideration of a Sum of Money or Stock as mentioned under the Head or Title of "Conveyance" in the Schedule to the said Act of the Thirteenth and Fourteenth Years of Her Majesty, such Conveyance, Charter, Disposition, or Contract shall be chargeable with the ad valorem Stamp Duties granted by the said Acts respectively in respect of each of the said Considerations; and in any Case where any Deed or Instrument which shall be chargeable with any ad valorem Stamp Duty in respect of any Sum of Money yearly or in gross or any Stock or Security therein mentioned shall be made also for any further or other valuable Consideration, such Deed or Instrument shall be chargeable (except where express Provision to the contrary is or shall be made in any Act of Parliament) with such further Stamp Duty as any separate Deed or Instrument made for such last-mentioned Consideration alone would be chargeable with, except progressive Duty.

Commissioners of Inland Revenue, before assessing the Duty upon any Deed, may require Proof that the Facts upon which the Duty depends are truly stated.

XVII. And to prevent Fraud and Evasion of Stamp Duty in any Case where Application is made to the Commissioners of Inland Revenue to assess and charge the Stamp Duty to which any Deed or Instrument is liable, or to impress on any Deed or Instrument the particular Stamp provided to denote the Payment of the full and proper Duty on the same or on any other Deed or Instrument, or that any Deed or Instrument is not liable to any Stamp Duty, it shall be lawful for the said Commissioners to require such Evidence by Affidavit as they may deem necessary in order to show to their Satisfaction the Quantity of Words contained in any such Deed or Instrument, and whether or not the Consideration, or any definite or certain Sum or Sums of Money, Stock, or other valuable Matter or Thing capable of being ascertained and set forth, or any other Facts, upon the full or proper Statement of any of which Matters and Things in such Deed or Instrument the Stamp Duty which shall be or which ought to be payable thereon shall in any Measure depend, is or are truly and fully set forth therein; and it shall be lawful for the said Commissioners and their Officers in any Case to refuse to impress on any such Deed or Instrument, or any Duplicate or Counterpart respectively, the particular Stamp to denote the payment of the full and proper Duty as aforesaid, except on Payment of the full Stamp Duty which would be chargeable on such Deed or Instrument if all or any of such Matters and Things aforesaid had been truly set forth therein.

The Affidavit not to be used for any other Purpose.

XVIII. Provided, That no such Affidavit shall be used against any Person making the same in any Proceeding whatever, except only in any Inquiry as to the Stamp Duty with which such Deed or Instrument is chargeable, and every such Person shall, upon Payment of such full Stamp Duty as aforesaid, be relieved from any Penalty, Forfeiture, or Disability he may have incurred by reason of the Omission to state truly in such Deed or Instrument any of the Facts, Matters, and Things aforesaid.

48 G. 3. c. 149.

XIX. Whereas by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, Chapter One hundred and forty-nine, certain Penalties and Disabilities were imposed upon the Parties to any Deed or Instrument of Conveyance of Property upon Sale, wherein the full Purchase or Consideration Money, directly or indirectly paid or secured or agreed to be paid should not be truly expressed and set forth, and also upon the Attorney, Solicitor, Writer to the Signet, or other Person employed in or about the preparing of any such Deed or Instrument: And whereas the Sale of a Trade or Business, or the Goodwill thereof, has been erroneously considered by some Persons not to be a Sale of Property within the Meaning of the Acts imposing ad valorem Stamp Duties on the Conveyance thereof, and the Instruments whereby Property of that Description, or whereby certain Messuages, Lands, or other Property wherein or whereupon such Trade or Business has been carried on, has or have been in such Cases assigned, transferred, or otherwise conveyed to or become vested in a Purchaser may not have been stamped with the full and proper Duties with which the same were by Law chargeable, and in some Instances the Purchase or Consideration Money has been omitted to be fully and truly expressed and set forth as required by Law in such Instruments, by reason whereof the Parties to such Instruments, and the Attorney, Solicitor, Writer to the Signet, or other Person employed in or about the preparing of the same, may have incurred the Penalties, Forfeitures, and Disabilities in that Behalf mentioned in and imposed by the said Act of the Forty-eighth Year of King *George* the Third, and it is expedient that they should be relieved therefrom, and that such Instruments should be rendered available in Evidence: Be it enacted, That in any such Case as aforesaid the Parties to any such Instrument made and bearing Date on or before the Fifteenth Day of *June* One thousand eight hundred and fifty-four, and every Person employed in or about the preparing of the same, shall be and they are hereby declared to be respectively freed, discharged, and indemnified from and against any Penalties, Forfeitures, and Disabilities contained in or imposed by the said last-mentioned Act which may have been incurred by reason of any Omission to express or set forth in any such Instrument the full and true Purchase or Consideration Money upon the Sale of the Property thereby conveyed, transferred, assigned, or assured, or vested in the Purchaser; and all such Instruments shall be available in Evidence notwithstanding the full and proper ad valorem Duties which ought to have been paid in respect of the Purchase or Consideration Money therein expressed for the Conveyance, Transfer, or Assignment of any such Trade, Business, or Goodwill shall not have been paid and denoted thereon.

Indemnity from Penalties for omitting to state the full Purchase Money in Assignments on the Sale of Goodwill.

Stamp Duty on Licences to Pawnbrokers in Dublin reduced.

XX. And whereas it is expedient to reduce the Stamp Duty now payable on Licences to Pawnbrokers in *Dublin:* Be it enacted, That the Stamp Duty of Fifteen Pounds now payable on a Licence to be taken out yearly for exercising the Trade or Business of a Pawnbroker within the City of *Dublin*, or the *Circular Road* surrounding the same, shall be reduced to the Sum of Seven Pounds Ten Shillings.

Contracts to serve as Artificers, Servants, &c. in the Colonies exempted from Stamp Duty.

XXI. All Indentures of Apprenticeship, Bonds, Contracts, and Agreements entered into in the United Kingdom for or relating to the Service in any of her Majesty's Colonies or Possessions abroad of any Person as an Artificer, Clerk, domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or Labourer shall be and the same are hereby exempted from all Stamp Duty.

Public Maps and Documents not to be liable to Stamp Duty by reason of their being referred to in Deeds or Writings.

XXII. And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, and by the said Act of the Thirteenth and Fourteenth Years of Her Majesty respectively, certain Stamp Duties were imposed upon any Schedule, Inventory, or Catalogue containing the Matters and Things in the said Acts respectively mentioned, which should be referred to in or by and be intended to be used or given in Evidence as Part of or as material to any Instrument charged with Stamp Duty, but which should be separate and distinct therefrom, and not endorsed on or annexed thereto, and Doubts are entertained whether the said Duties extend to certain Documents and

Writings of a public Character herein-after mentioned: For the Removal of such Doubts, be it declared and enacted, That the said last-mentioned Stamp Duties shall not extend or be deemed to have extended to any public Map, Plan, Survey, Apportionment, Allotment, Award, or other parochial or public Document or Writing whatsoever made under or in pursuance of any Act of Parliament, and deposited or kept for Reference in any Registry, or in any public Office, or with the public Books, Papers, or Writings of any Parish, by reason of any such Document or Writing as aforesaid being referred to in or by any Deed or Instrument whatever, provided that such Document or Writing be not endorsed on or annexed to such Deed or Instrument.

Leases for a Period less than a Year to be chargeable with Stamp Duty on the Rent reserved.

XXIII. And whereas by the said Act of the Thirteenth and Fourteenth Years of Her Majesty and this Act respectively certain ad valorem Stamp Duties are granted and imposed upon Leases or Tacks of any Lands, Tenements, Hereditaments, or Heritable Subjects at a yearly Rent, and Doubts are entertained whether the said Duties extend to any Lease or Tack for any Term or Period less than a Year: For the Removal of such Doubts, be it enacted, That where any Lease or Tack of any Lands, Tenements, Hereditaments, or Heritable Subjects shall be made for any Term or Period less than a Year at a Rent reserved or payable for the same, such Lease or Tack shall be chargeable with the same ad valorem Duty as a Lease or Tack at a yearly Rent of the same Amount as the Sum so reserved or payable.

Allowance on the Purchase of Stamps not exceeding the Rate of 1s. Duty for Drafts, Bills, and Notes.

XXIV. And in order to encourage the Purchase of Stamps for Drafts, Bills, and Notes of the several Rates and Denominations herein-after mentioned, and to facilitate the Distribution and Supply thereof, there shall be granted and allowed to every Person who at One and the same Time shall produce at the Office of the Commissioners of Inland Revenue in *London* or *Dublin*, Paper, to be stamped with such Stamps or any of them to the Amount of Five Pounds in the whole, or shall purchase such Stamps or any of them to the like Amount at the Office of the said Commissioners in *London*, *Edinburgh*, or *Dublin*, or of any Distributor or Sub-distributor of Stamps at any Place not within the Distance of Ten Miles from the said Offices respectively, the Allowance following; (that is to say,) on Stamps for Denoting any Rate of Duty not exceeding One Shilling on Bills of Exchange, Drafts, or Orders, or Promissory Notes, an Allowance after the Rate of Seven and a Half *per Centum* on the Amount of such Stamp Duties respectively; provided that no Allowance shall be made on any Fraction of a Pound; which said Allowances are in lieu of any Allowance payable on Stamps of the like Rates and Denominations under any other Act or Acts in force.

No Charge to be made for Paper on Sale of Bill or Note Stamps where the Rate of Duty does not exceed 1s.

XXV. And in consideration that such Allowance as aforesaid is by this Act granted on the Purchase of Stamps of the several Rates and Denominations aforesaid, it shall not be lawful for any Person on the Sale of any such Stamp to make any Charge for the Paper whereon the same is impressed ; and if any Person upon the Sale of any Stamp denoting any Rate of Duty not exceeding One Shilling for any Bill of Exchange, Draft or Order, or Promissory Note, shall make any Charge for the Paper whereon the same is impressed, or under any Colour or Pretence whatever demand or receive a greater Price or Sum than the Amount of the Stamp Duty, he shall forfeit the Sum of Ten Pounds.

Allowance for Stamps rendered useless by this Act.

XXVI. Where any Person shall be possessed of any Stamps rendered useless by this Act, it shall be lawful for the Commissioners of Inland Revenue, on Application to them or to their proper Officer in that Behalf, at any Time on or before the Fifth Day of *April* One thousand eight hundred and fifty-five to cancel and make Allowance for the same as in the Case of spoiled Stamps, after deducting the Discount granted and allowed by Law on the Purchase of Stamps of the like Description.

Instruments admissible in Evidence, though not properly stamped.

XXVII. Every Instrument liable to Stamp Duty shall be admitted in Evidence in any Criminal Proceeding, although it may not have the Stamp required by Law impressed thereon or affixed thereto.

The SCHEDULE to which this Act refers.

INLAND BILL OF EXCHANGE, Draft, or Order for the Payment to the Bearer, or to Order, at any Time otherwise than on Demand, of any Sum of Money

				Duty.		
				£	s.	d.
Not exceeding			£5	0	0	1
Exceeding	£5	and not exceeding	10	0	0	2
,,	10	,,	25	0	0	3
,,	25	,,	50	0	0	6
,,	50	,,	75	0	0	9
,,	75	,,	100	0	1	0
,,	100	,,	200	0	2	0
,,	200	,,	300	0	3	0
,,	300	,,	400	0	4	0
,,	400	,,	500	0	5	0
,,	500	,,	750	0	7	6
,,	750	,,	1,000	0	10	0
,,	1,000	,,	1,500	0	15	0
,,	1,500	,,	2,000	1	0	0
,,	2,000	,,	3,000	1	10	0
,,	3,000	,,	4,000	2	0	0
,,	4,000 and upwards			2	5	0

FOREIGN BILL OF EXCHANGE drawn in, but payable out of, the United Kingdom,

If drawn singly or otherwise than in a Set of Three or more, the same Duty as on an Inland Bill of the same Amount and Tenor.

If drawn in Sets of Three or more, for every Bill of each Set,

				£	s.	d.
Where the Sum payable thereby shall not exceed			£25	0	0	1
And where it shall exceed £25 and not exceed			50	0	0	2
,,	50	,,	75	0	0	3
,,	75	,,	100	0	0	4
,,	100	,,	200	0	0	8
,,	200	,,	300	0	1	0
,,	300	,,	400	0	1	4
,,	400	,,	500	0	1	8
,,	500	,,	750	0	2	6
,,	750	,,	1,000	0	3	4
,,	1,000	,,	1,500	0	5	0
,,	1,500	,,	2,000	0	6	8
,,	2,000	,,	3,000	0	10	0
,,	3,000	,,	4,000	0	13	4
,,	4,000 and upwards			0	15	0

FOREIGN BILL OF EXCHANGE drawn out of the United Kingdom, and payable within the United Kingdom, the same Duty as on an Inland Bill of the same Amount and Tenor.

FOREIGN BILL OF EXCHANGE drawn out of the United Kingdom, and payable out of the United Kingdom, but indorsed or negotiated within the United Kingdom, the same Duty as on a Foreign Bill drawn within the United Kingdom, and payable out of the United Kingdom.

PROMISSORY NOTE for the Payment in any other Manner than to the Bearer on Demand of any Sum of Money,

				Duty £	s.	d.
Not exceeding			£5	0	0	1
Exceeding	£5	and not exceeding	10	0	0	2
,,	10	,,	25	0	0	3
,,	25	,,	50	0	0	6
,,	50	,,	75	0	0	9
,,	75	,,	100	0	1	0

PROMISSORY NOTE for the Payment, either to the Bearer on Demand or in any other Manner than to the Bearer on Demand, of any Sum of Money,

				Duty £	s.	d.
Exceeding	£100	and not exceeding	£200	0	2	0
,,	200	,,	300	0	3	0
,,	300	,,	400	0	4	0
,,	400	,,	500	0	5	0
,,	500	,,	750	0	7	6
,,	750	,,	1,000	0	10	0
,,	1,000	,,	1,500	0	15	0
,,	1,500	,,	2,000	1	0	0
,,	2,000	,,	3,000	1	10	0
,,	3,000	,,	4,000	2	0	0
,,	4,000 and upwards			2	5	0

LEASE OR TACK of any Lands, Tenements, Hereditaments, or Heritable Subjects, for any Term of Years exceeding Thirty-five, at a yearly Rent, with or without any Sum of Money by way of Fine, Premium, or Grassum paid for the same, the following Duties in respect of such yearly Rent,

				DUTIES. If the Term shall not exceed 100 Years. £	s.	d.	If the Term shall exceed 100 Years. £	s.	d.
Where the yearly Rent shall not exceed £5				0	3	0	0	6	0
And where the same shall exceed	£5	and not exceed	£10	0	6	0	0	12	0
,, ,,	10	,,	15	0	9	0	0	18	0
,, ,,	15	,,	20	0	12	0	1	4	0
,, ,,	20	,,	25	0	15	0	1	10	0
,, ,,	25	,,	50	1	10	0	3	0	0
,, ,,	50	,,	75	2	5	0	4	10	0
,, ,,	75	,,	100	3	0	0	6	0	0
And where the same shall exceed £100 then for every £50, and also for any fractional Part of £50				1	10	0	3	0	0

And where any such Lease or Tack as aforesaid shall be granted in consideration of a Fine, Premium, or Grassum, and also of a yearly Rent, such Lease or Tack shall be chargeable also, in respect of such Fine, Premium, or Grassum, with the ad valorem Stamp Duties granted under the Head or Title of "Conveyance" in the Schedule annexed to the Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven.

Exemption.

Any Lease made in pursuance of the Trinity College, Dublin, Leasing and Perpetuity Act, 1851.

CONVEYANCE of any Kind or Description whatsoever in England or Ireland, and Charter, Disposition, or Contract containing the first original Constitution of Feu and Ground Annual Rights in Scotland (not being a Lease or Tack for Years), in consideration of an annual Sum payable in perpetuity or for any indefinite Period, whether Fee Farm or other Rent, Feu Duty, Ground Annual, or otherwise	The same Duties as on a Lease or Tack for a Term exceeding 100 Years, at a yearly Rent equal to such annual Sum.

Exemptions.

Any Lease or Tack for a Life or Lives not exceeding Three, or for a Term of Years determinable with a Life or Lives not exceeding Three, by whomsoever granted.

Any Grant in Fee Simple or in Perpetuity, made in Ireland, in pursuance of the Renewable Leasehold Conversion Act, or in pursuance of the Trinity College (Dublin) Leasing and Perpetuity Act, 1851.

All which said Leases or Tacks and Grants respectively shall be chargeable with the Stamp Duties to which the same were subject and liable before the passing of the Act 16 & 17 Vict. c. 63.

Duplicate or Counterpart and Progressive Duty.

EVERY SUCH LEASE or Tack, and every such Conveyance, Charter, Disposition, or Contract as aforesaid hereby charged with Duty, and the Duplicate or Counterpart thereof respectively, shall be chargeable with the respective Stamp Duties granted and made payable under the several Heads or Titles of "Duplicate or Counterpart," and "Progressive Duty," in the Schedule annexed to the Act of the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven.

LICENCE TO DEMISE Copyhold Lands, Tenements, or Hereditaments, or the Memorandum thereof if granted out of Court, and the Copy of Court Roll of any such Licence if granted in Court:

	£	s.	d.
Where the clear yearly Value of the Estate to be demised shall be expressed in such Licence and shall not exceed £75	The same Duty as on a Lease at a yearly Rent equal to such yearly Value, under the Act of the 13 & 14 Vict. c. 97.		
And in all other Cases	0	10	0

CAP. LXXXIV.

CAP. LXXXIV.

An Act to extend the Provisions of the Acts for the Augmentation of Benefices.—[10th August 1854.] (England.)

CAP. LXXXV.

An Act for better securing the collecting and accounting for the Land Tax, Assessed Taxes, and Income Tax by the Collectors thereof.—[10th August 1854.]

CAP. LXXXVI.

An Act for the better Care and Reformation of Youthful Offenders in Great Britain.—[10th August 1854.]

WHEREAS Reformatory Schools for the better training of Juvenile Offenders have been and may be established by voluntary Contributions in various parts of *Great Britain*, and it is expedient that more extensive Use should be made of such Institutions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On Application from voluntary Institution to Secretary of State, Inspector to report.

I. It shall and may be lawful for her Majesty's Secretary of State for the Home Department, upon Application made to him by the Directors or Managers of any such Institution, to direct One of Her Majesty's Inspectors of Prisons to examine and report to him upon its Condition and Regulations, and any such Institution as shall appear to the Satisfaction of the said Secretary of State, and shall be certified under his Hand and Seal, to be useful and efficient for its Purpose, shall be held to be a Reformatory School under the Provisions of this Act: Provided always, that it shall be lawful for any of Her Majesty's Inspectors of Prisons to visit from Time to Time any Reformatory School which shall have been so certified as aforesaid; and if upon the Report of any such Inspector the said Secretary of State shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

Juvenile Offenders, how to be dealt with.

II. Whenever after the passing of this Act any Person under the Age of Sixteen Years shall be convicted of any Offence punishable by Law, either upon an Indictment or on Summary Conviction before a Police Magistrate of the Metropolis or other Stipendiary Magistrate, or before Two or more Justices of the Peace, or before a Sheriff or Magistrate in *Scotland*, then and in every such Case it shall be lawful for any Court, Judge, Police Magistrate of the Metropolis, Stipendiary Magistrate, or any Two or more Justices of the Peace, or in *Scotland* for any Sheriff or Magistrate of a Burgh, or Police Magistrate, before or by whom such Offender shall be so convicted, in addition to the Sentence then and there passed as a Punishment for his Offence, to direct such Offender to be sent, at the Expiration of his Sentence, to some One of the aforesaid Reformatory Schools to be named in such Direction, the Directors or Managers of which shall be willing to receive him, and to be there detained for a Period not less than Two Years and not exceeding Five Years, and such Offender shall be liable to be detained pursuant to such Direction: Provided always, that no Offender shall be directed to be so sent and detained as aforesaid unless the Sentence passed as a Punishment for his Offence, at the Expiration of which he is directly to be so sent and detained, shall be one of Imprisonment for Fourteen Days at the least; provided also, that the Secretary of State for the Home Department may at any Time order any such Offender to be discharged from any such School.

Power to Treasury to defray Cost of Maintenance at Reformatory School.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Representation of One of Her Majesty's Principal Secretaries of State, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any Juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate per Head as shall be determined by them, or such Portion of such Cost as shall not have been recovered from the Parents or Step-parents of such Child, as herein-after provided, or such other Portion as shall be recommended by the said Secretary of State.

Absconding, or refractory Conduct at Reformatory

IV. And whereas it is expedient that some Provision should be made for the Punishment of any Juvenile Offender, so directed to be detained as aforesaid in any such Reformatory School, who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Be it enacted, chool, how to be punished.

enacted, That it shall and may be lawful to and for any Justice of the Peace, or in *Scotland*, for any Sheriff or Magistrate of a Burgh, or Police Magistrate, acting in and for the County, City, Borough, Riding, or Division wherein the said Offender shall actually be at the Time he shall so abscond, or neglect or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal, or in *Scotland* under his Hand, to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, or Division, with or without Hard Labour, for any Period not exceeding Three Calendar Months.

Cost of Maintenance to be partly recovered from Parents, &c.

V. The Court by which any Juvenile Offender is ordered to be detained as aforesaid under this Act, shall charge the Parent or Step-parent of such Offender, if of sufficient Ability to bear the same, with a Sum not exceeding Five Shillings per Week towards the Maintenance and Support of such Juvenile Offender while remaining in such Reformatory School, such Payment to be in relief of the Charges on Her Majesty's Treasury in all Cases where the Treasury shall have defrayed or undertaken to defray the whole or any Portion of the Maintenance of such Offender, and in all other Cases such Payment to be made to the Directors or Managers of such Reformatory School.

For compelling Parent or Step-parent to support Juvenile Offenders while remaining in Reformatory School.

VI. For the better compelling the Parent or Step-parent, as the Case may be, to support and maintain wholly or partly every such Juvenile Offender while in such Reformatory School, the Provisions contained in the Act passed in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, for compelling the Parent of every poor Person, being of sufficient Ability, at their own Charges to relieve and maintain such poor Person, and also the Provisions in the like Behalf contained in an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, and in an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, shall be respectively held and deemed and the same respectively are hereby directed to be applicable, within *England* and *Wales*, to the compelling the Parent or Step-parent respectively of every such Juvenile Offender to maintain or support him, either wholly or partly, while remaining in such Reformatory School, and for the Recovery of the weekly Payment so charged upon such Parent or Step-parent; and in *Scotland* such Payment may be sued for and recovered

59 G. 3. c. 12.

4 & 5 W. 4. c. 76.

recovered at the instance of the Procurator Fiscal or of the Treasurer of such Reformatory School in the Sheriffs Small Debt Court, and the Provisions of an Act passed in the Eighth and Ninth Years of Her Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in* Scotland, for the Punishment of Parents deserting their Children, or refusing or neglecting to maintain them, shall be held and deemed and are hereby directed to be applicable to the Case of Parents or Step-parents refusing or neglecting to pay the Amount so charged upon such Parent or Step-parent as aforesaid. 8 & 9 Vict. c. 83.

Juvenile Offenders may be removed from one Reformatory School to another.

VII. It shall and may be lawful for Her Majesty's Secretary of State for the Home Department, if he shall think fit to do so, to remove any such Youthful Offender from one Reformatory School to another: Provided always that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School.

Act not to apply to Ireland.

VIII. This Act shall not apply to *Ireland.*

CAP. LXXXVII.

An Act to make further Provision for the Burial of the Dead in England *beyond the Limits of the Metropolis.* —[10th August 1854.]

CAP. LXXXVIII.

An Act to render valid certain Marriages of British *Subjects in* Mexico.—[10th August 1854.]

CAP. LXXXIX.

An Act to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation, in Ireland.—[10th August 1854.]

CAP. XC.

An Act to repeal the Laws relating to Usury and to the Enrolment of Annuities.—[10th August 1854.]

WHEREAS it is expedient to repeal the Laws at present in force relating to Usury: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts, &c. named in Schedule repealed.

I. The several Acts and Parts of Acts made in the Parliaments of *England* and *Scotland*, *Great Britain* and *Ireland*, mentioned in the Schedule hereto, and all existing Laws against Usury shall be repealed.

Transactions previous to passing of this Act not to be affected.

II. Provided always, That nothing herein contained shall prejudice or affect the Rights or Remedies of any Person, or diminish or alter the Liabilities of any Person, in respect of any Act done previously to the passing of this Act.

Legal or current Rate of Interest to mean the same as if this Act had not passed.

III. Where Interest is now payable upon any Contract, express or implied, for Payment of the legal or current Rate of Interest, or where upon any Debt or Sum of Money Interest is now payable by any Rule of Law, the same Rate of Interest shall be recoverable as if this Act had not been passed.

Not to affect the Law as to Pawnbrokers.

IV. Provided always, That nothing herein contained shall extend or be construed to extend to repeal or affect any Statute relating to Pawnbrokers, but that all Laws touching and concerning Pawnbrokers shall remain in full Force and Effect to all Intents and Purposes whatsoever, as if this Act had not been passed.

SCHEDULE

SCHEDULE referred to by the foregoing Act.

Acts and Parts of Acts of the Parliaments of England, Great Britain, and the United Kingdom of Great Britain and Ireland.

37 Hen. 8. c. 9. -	The whole of an Act passed in the Thirty-seventh Year of the Reign of King Henry the Eighth, intituled "A Bill against Usury."
13 Eliz. c. 8. -	The whole of an Act passed in the Thirteenth Year of the Reign of Queen Elizabeth, intituled "An Act against Usury."
21 Jac. 1. c. 17. made perpetual by 3 Car. 1. c. 4. s. 5.	So much of an Act passed in the Third Year of the Reign of King Charles the First as enacts that an Act passed in the Twenty-first Year of King James the First, intituled "An Act against Usury," be made perpetual.
12 Car. 2. c. 13. -	The whole of an Act passed in the Twelfth Year of the Reign of King Charles the Second, intituled "An Act for the restraining the taking of excessive Usury."
Confirmed by 13 Car. 2. Stat. 1. c. 14.	So much of an Act passed in the Thirteenth Year of the Reign of King Charles the Second, intituled "An Act for confirming an Act intituled 'An Act for encouraging and increasing of Shipping and Navigation,' and several other Acts, both public and private, mentioned therein," as confirms the herein-before mentioned Act of the 12th Year of the same Reign.
12 Anne, Stat. 2. c. 16.	The whole of an Act passed in the Twelfth Year of the Reign of Queen Anne, intituled "An Act to reduce the Rate of Interest, without any Prejudice to Parliamentary Securities."
53 Geo. 3. c. 141. -	The whole of an Act passed in the Fifty-third Year of the Reign of King George the Third, intituled "An Act to repeal an Act of the Seventeenth Year of the Reign of His present Majesty, intituled 'An Act for Registering the Grants of Life Annuities, and for the better Protection of Infants against such Grants, and to substitute other Provisions in lieu thereof,'" except so much thereof as repeals the said Act of the Seventeenth Year of King George the Third.

3. Geo.

3 Geo. 4. c. 92. -	The whole of an Act passed in the Third Year of the Reign of King George the Fourth, intituled "An Act to explain an "Act of the Fifty-third Year of the Reign "of His late Majesty, respecting the Enrolment of Memorials of Grants of Annuities."
7 Geo. 4. c. 75. -	The whole of an Act passed in the Seventh Year of King George the Fourth, intituled "An Act to explain an Act of the Fifty-"third Year of the Reign of His late Ma-"jesty, respecting the Enrolment of Memo-"rials of Grants of Annuities."
5 & 6 W. 4. c. 41. -	So much of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to amend the "Law relating to Securities given for Con-"siderations arising out of gaming, usu-"rious, and other illegal Transactions," as relates to Securities given for Considerations arising out of usurious Transactions.
13 & 14 Vict. c. 56. -	The whole of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to "continue the Act for exempting certain "Bills of Exchange and Promissory Notes "from the Operation of the Usury Laws."

ACTS of the Parliament of Scotland.

An Act of the Eleventh Parliament of King James the Sixth, Chapter Fifty-two, "It is not lesum to take ane greater annual Rent for the "100 Poundes nor Ten Poundes, or Five Bolls Victual."

An Act of the Fourteenth Parliament of King James the Sixth, Chapter Two hundred and Twenty-two, "For Punishment of Com-"mitters of Usury."

An Act of the Fifteenth Parliament of King James the Sixth, Chapter Two hundred and Fifty-one, "It is not leasum to take mair annuall "Rent or Profet nor Ten for the Hundreth."

An Act of the Sixteenth Parliament of King James the Sixth, Chapter Seven, "Explanation of the Acts of Parliament anent Ocker "and Usury."

An Act of the Twenty-third Parliament of King James the Sixth, Chapter Twenty-eight, "Anent taking of Annual Rent beforehand to "be Usurie."

Acts of the Parliament of Ireland.

An Act of the Tenth Year of King Charles the First, Session Two, Chapter Twenty-two, intituled "An Act against Usury."

An Act of the Second Year of Queen Anne, Chapter Sixteen, intituled "An Act for reducing of Interest of Money to Eight per Cent for "the future."

An Act of the Eighth Year of King George the First, Chapter Thirteen, intituled "An Act for reducing the Interest of Money to Seven "per Cent."

An Act of the Fifth Year of King George the Second, Chapter Seven, intituled "An Act for reducing the Interest of Money to Six per Cent."

CAP. XCI.

An Act for the Valuation of Lands and Heritages in Scotland.—[10th August 1854.]

WHEREAS it is expedient that One uniform Valuation be established of Lands and Heritages in *Scotland*, according to which all public Assessment leviable or that may be levied according to the Real Rent of such Lands and Heritages may be assessed and collected, and that Provision be made for such Valuation being annually revised: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners of Supply and Magistrates of Burghs to make up Valuation Roll annually.

I. The Commissioners of Supply of every County and the Magistrates of every Burgh in *Scotland* respectively shall annually cause to be made up a Valuation Roll, showing the yearly Rent or Value for the Time of the whole Lands and Heritages within such County or Burgh respectively, and separately within each Parish or Part of a Parish situated within such County or Burgh respectively, and specifying in each Case the Nature of Such Lands and Heritages, and the Names and Designations of the Proprietors or reputed Proprietors, and where there are Tenants or Occupiers, of the Tenants and of the Occupiers thereof respectively; and within Two Months after the passing of this Act the Commissioners of Supply of each County, and the Magistrates of each Burgh, shall hold a

Meeting and adopt such Measures as will enable the First Valuation Roll under this Act to be made up by the Fifteenth Day of *August* One thousand eight hundred and fifty-five.

Officer of Inland Revenue to assist the Commissioners of Supply and Magistrates in making up the Valuation Roll.

II. In making up the Valuation Roll the Commissioners of Supply and Magistrates respectively may take the Assistance of the Officer of Inland Revenue charged with the Duty of assessing to the Income Tax in such County or Burgh respectively; and such Commissioners and Magistrates respectively may, from Time to Time, as often as they may deem it necessary, by their Order in Writing, to be signed by their Clerk, require any Officer of Inland Revenue, charged with the Duty of assessing the Income Tax in such County or Burgh respectively, to appear before them when, and where, and as often as such Commissioners and Magistrates respectively may deem expedient, and to produce all Assessments and other Documents in the Custody or Power of such Officer relating to the Value of, or Assessment on, all or any of the Property within the several Parishes or Places within his District or Division, and to be examined on Oath, and answer such Questions as the said Commissioners and Magistrates respectively may put to him touching the said Assessments or the Value of the Property contained therein: Provided always, that it shall be in the Power of such Commissioners or Magistrates, if they think fit, not to insert in any Valuation Roll under this Act the Names or Designations of the Tenants or Occupiers of any Lands and Heritages separately let for a shorter Period than One Year, or at a Rent not amounting to Four Pounds *per Annum*.

Appointment and Duties of Assessors.

III. In order to the making up of such Valuation, the Commissioners of Supply of each County and the Magistrates of each Burgh respectively shall, as Occasion requires, appoint One or more fit and proper Persons to be Assessors or Assessor for the Purposes of this Act; and it shall be the Duty of such Assessors annually to ascertain and assess the yearly Rent or Value of the several Lands and Heritages within the County or Burgh respectively, other than the Lands and Heritages of Railway and Canal Companies, which are herein-after specially provided for, and to make up such Valuation Roll thereof in the Manner by this Act prescribed; and every such Assessor shall be appointed either for the whole County or Burgh, or for some particular Portion or District thereof to be prescribed by the Commissioners of Supply or Magistrates respectively; and every such Assessor shall, on being appointed by the said Commissioners of Supply or Magistrates respectively, and before entering upon the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof; and every such Assessor shall be removeable at the Pleasure of the said Commissioners or Magistrates respectively.

Assessors to make up Valuation Roll by 15th August in each Year.

IV. In every County and Burgh the First Valuation Roll to be made up as aforesaid under this Act shall be made up by the Assessors acting under this Act on or before the Fifteenth Day of *August* One thousand eight hundred and fifty-five; and a new Valuation Roll shall be annually made up by the Assessors on or before the Fifteenth Day of *August* in every subsequent Year.

Notice to be given to Persons whose Property is valued.

V. On or before the Twenty-fifth Day of *August*, and not earlier than the Fifteenth Day of *July* in each Year, the Assessor shall transmit or cause to be transmitted to each Person included in his Valuation, whether as Proprietor or Tenant or Occupier, a Copy of every Entry in such Valuation Roll wherein such Person shall be set forth either as Proprietor or Tenant or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Valuation he may appeal against the same to the Commissioners of Supply of the County or to the Magistrates of the Burgh, as the Case may be, in Terms of this Act, or may obtain Redress without the Necessity of such Appeal, by satisfying the Assessor, on or before the Eighth Day of *September* in each Year, that he has well-founded Ground of Complaint; and such Copy and Notice may be served by handing the same to such Person personally, or leaving the same, or sending it through the Post Office, at his Residence or usual Place of Abode; and where the Residence or Place of Abode of such Person is unknown, it shall be sufficient if Service be made as aforesaid upon his Factor or Agent, or be addressed to him at the Office of the Clerk of Supply of the County or Town Clerk of the Burgh, as the Case may be: Provided always, that where, in making up his Valuation as aforesaid, the Assessor is merely to repeat an Entry which occurred in the Valuation of the immediately preceding Year, it shall not be necessary for the Assessor to transmit such Copy and Notice as aforesaid to the Person or Persons specified in such merely repeated Entry.

Yearly Rent or Value, how to be estimated.

VI. In estimating the yearly Value of Lands and Heritages under this Act, the same shall be taken to be the Rent at which, one Year with another, such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year; and where such Lands and Heritages consist of Woods, Copse, or Underwood, the yearly Value of the same shall be taken to be the Rent at which such Lands and Heritages might in their natural State be reasonably expected to let from Year to Year, as Pasture or Grazing Lands; and where such Lands and Heritages are *bonâ fide* let for a yearly Rent conditioned as the fair annual Value thereof, without Grassum or Consideration other than the Rent, such Rent shall be deemed and taken to be the yearly Rent or Value of such Lands and Heritages in Terms of this Act: Provided always, that if such Lands and Heritages be let upon a Lease the stipulated Duration of which is more than Twenty-one Years from the Date of Entry under the same, or in the Case of Minerals more than Thirty-one Years from such Date of Entry, the Rent payable under such Lease shall not necessarily be assessed as the yearly Rent or Value of such Lands and Heritages, but such yearly Rent or Value shall be ascertained in Terms of this Act irrespective of the Amount of Rent payable under such Lease, and the Lessee under such Lease shall be deemed and taken to be also the Proprietor of such Lands and Heritages in the Sense of this Act, but shall be entitled to Relief from the actual Proprietor thereof, and to Deduction from the Rent payable by him to such actual Proprietor, of such Proportion of all Assessments laid on upon the Valuations of such Lands and Heritages made under this Act, and payable by such Lessee as Proprietor in the Sense of this Act, as shall correspond to the Rent payable by such Lessee to such actual Proprietor as compared with the Amount of such Valuation.

Assessor may call for written Statement of Rent.

VII. It shall be lawful for any Assessor acting under this Act to call upon any Person, being a Proprietor or reputed Proprietor or Tenant or Occupier within the County or Burgh or District for which such Assessor is appointed, for a written Statement of the yearly Rent or Value and of all other Particulars required by this Act of all Lands and Heritages within such County or Burgh or District of which such Person is Proprietor or reputed Proprietor, or Tenant or Occupier; and if any such Person shall, without reasonable Excuse, fail to furnish such written Statement to such Assessor within Fourteen Days after he shall be called upon in Writing so to do, he shall be liable to pay a Penalty not exceeding Twenty Pounds; and if any such Person shall present or cause to be presented to such Assessor any false Statement of such yearly Rent or Value or other Particulars as aforesaid, he knowing the same to be false, he shall be liable to pay a Penalty of Fifty Pounds.

Courts of Appeal.

VIII. The Commissioners of Supply of every County and the Magistrates of every Burgh shall annually on or before the Fifteenth but not earlier than the Tenth Day of *September* in each Year hold a Court for hearing Appeals against Valuations made by such Assessors as aforesaid under this Act, of which Ten Days Notice shall be given, which Court may be adjourned from Time to Time; and at such Court, and at latest on or before the Thirtieth Day of *September* in each

Year, all such Appeals and Complaints under this Act shall be disposed of; and such Courts or adjourned Courts of Appeal shall be held in such and as many Places within such County and Burgh respectively as such Commissioners and Magistrates respectively shall appoint; and the Deliverances of such Commissioners and Magistrates respectively upon such Appeals and Complaints shall be final and conclusive, and not subject to Review.

Persons entitled to appeal.

IX. All Persons whose Names shall have been entered by the Assessors in the Valuation Roll of the County or Burgh respectively, whether as Proprietors or Tenants or Occupiers, shall be entitled to appeal to the said Commissioners or Magistrates, as the Case may be, with reference to such Entry: Provided always, that the Appellant shall, Six Days at least before such Appeal is heard, intimate in Writing to the Assessor that he is to maintain such Appeal, and specify the Amount of Valuation which he alleges should be substituted for the Amount stated by the Assessor.

Procedure at Appeal Courts.

X. It shall be competent to the Commissioners of Supply and Magistrates of Burghs respectively in the hearing of Appeals under this Act to cite and examine the Parties and their Witnesses on Oath, and to call for all Papers and Documents which they may deem necessary; and every Court of Appeal shall be attended by the Assessors by whom the several Valuations under Appeal were made, and such Assessors shall answer upon Oath all competent Interrogatories which may be put to them with reference to the Matters involved in such Appeals; and it shall not be necessary for the Court of Appeal to keep any formal Record of their Proceedings, except only a Note of the Assessment, Appeal, and Judgment; but they may, if they think proper, cause any Deposition which may be made before them to be taken down in Writing, and signed by the Deponent, and may authenticate it by the Signature of One of their Number as having been made in their Presence; and every such Deposition so taken down, signed, and authenticated shall be deemed and taken to be good Evidence in any Prosecution for Perjury.

Valuation Roll to be retained by Assessor till 8th of September yearly, and thereafter to be open to Inspection.

XI. The Valuation Roll, when made up by the Assessor, shall be retained by him until the Eighth Day of *September* in each Year, when he shall transmit it to the Clerk of Supply of the County or to the Town Clerk of the Burgh, as the Case may be, or, if there be no Town Clerk, to such other Person as the Chief Magistrate of the Burgh, or if there be no such Magistrate the Sheriff of the County, may specially appoint for the Purpose, which he is hereby required in such Case to do, as Occasion requires; and the said Valuation Roll shall thereafter remain in the Office of such Clerk of Supply or Town Clerk, or other Person specially appointed as aforesaid, patent to every Person having Interest therein, either as Proprietor, Tenant, or Occupier.

Valuation Roll, when completed, to be authenticated, and to be in force for One Year.

XII. As soon as all Appeals taken under this Act shall have been disposed of, and the Valuation of the County or Burgh shall have been thereby completed, the said Valuation Roll shall be authenticated in Counties by the Signature of the Convener of the Commissioners of Supply, or of the Clerk of Supply, or other Person whom the Commissioners of Supply may authorize for that Purpose, and in Burghs by the Signature of the Chief Magistrate, or of the Town Clerk, or other Person whom the Magistrates may authorize for that Purpose, and such Valuation Roll shall then be in force as the Valuation Roll of the County or Burgh, as the Case may be, for the Year commencing at the Term of *Whitsunday* immediately preceding, and ending at the Term of *Whitsunday* immediately following; and as soon as such Valuation Roll has been authenticated as aforesaid, the Clerk of Supply or Town Clerk, as the Case may be, shall furnish to the Clerks of the several Parochial Boards within the County or Burgh a Copy of so much thereof as relates to their respective Parishes; and every Parish, Person, or Persons, interested in any Valuation Roll under this Act, shall be entitled to inspect and make Copies of the same or any Part thereof, at their own Expense, at such reasonable Times, and on Payment of such moderate Fee, and subject to such Regulations, as the Commissioners of Supply or Magistrates respectively may fix.

As to Complaints made with regard to Assessors Valuations.

XIII. If any Complaint shall be made to the Commissioners of Supply of any County, or to the Magistrates of any Burgh, sitting as an Appeal Court as above provided, to the Effect that the yearly Rent or Value of any Lands or Heritages within such County or Burgh respectively has been stated by the Assessor in the Valuation Roll of such County or Burgh at other than the just and true Amount thereof, such Commissioners of Supply and Magistrates respectively may, if they think fit, make Inquiry into such Complaint, after giving not less than Six Days Notice to the Proprietor and Occupier of such Lands and Heritages of the Time and Place when such Inquiry will be gone into, and may thereupon alter the Amount of the yearly Rent or Value of such Lands and Heritages in the Valuation Roll of such County or Burgh to such Extent as, after such Inquiry, may appear to them to be just; and the Commissioners of Supply and Magistrates respectively, in the Conduct of such Inquiries as aforesaid, shall have all the same Powers and Authorities as are by this Act conferred upon them with reference to Appeals; and it shall be lawful for them to award Expenses against the Complainer, where it shall appear to them that such Complaint has been made without any reasonable or probable Cause: Provided always, that where any Parish consists partly of a Burgh and partly of a Landward District, it shall be competent to the Commissioners of Supply of the County or to the Magistrates of such Burgh respectively, if they shall think that any Property within such Parish has been unduly valued, to refer the true Value of the same to the Sheriff of the County, who shall decide the same summarily without being subject to Review, and the Magistrates and Commissioners of Supply respectively, on such Decision being produced to them, shall correct the Roll accordingly at the next ensuing Period of Valuation.

Three Commissioners of Supply or Two Magistrates, &c. to be a Quorum.

XIV. In all Proceedings under this Act, any Three Commissioners of Supply, and Two Magistrates of a Burgh, shall be deemed to be a Quorum of such Commissioners and Magistrates respectively, and shall be entitled to exercise all the Powers conferred upon the general Body of Commissioners and Magistrates respectively under this Act, and the Majority present, and voting, shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote.

Preses at Meetings of Commissioners of Supply, and Magistrates of Burghs, under this Act.

XV. In all Meetings of Commissioners of Supply under this Act, their Convener, or, in the Absence of the Convener, the Person who may be elected by such Meeting to Act as its Preses, shall be Preses of such Meeting; and in all Meetings of Magistrates of Burghs under this Act, the Lord Provost, or Provost, or Chief Magistrate of the Burgh, when he is present thereat, shall be Preses of such Meeting; and, failing him, the Person who may be elected by such Meeting to act as its Preses shall be Preses of such Meeting.

Papers and Documents emanating from Commissioners of Supply, &c., how to be authenticated.

XVI. For the Purposes of this Act, the Signature of the Convener or of the Preses of a Meeting of Commissioners of Supply adhibited to any Paper or Document shall be equivalent to the Signatures of the whole Commissioners of Supply present at a Meeting thereof; and the Signature of the Lord Provost, or Provost, or Chief Magistrate of the Burgh, or of the Preses of a Meeting of the Magistrates of the Burgh, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Magistrates present at such Meeting; and the Addition to such Signatures respectively of the Words "Convener," "Lord Provost," "Provost," "Chief Magistrate," or "Preses," shall be good *primâ facie* Evidence that such Signature is the Signature of such "Convener," "Lord Provost," "Provost," "Chief Magistrate," or "Preses," as the Case may be, and that such Paper or Document is genuine and authentic.

Powers of Supplementary Assessment granted by existing Acts of Parliament not to be affected.

XVII. Where, by any Act of Parliament, Power is given to make a Supplementary Assessment for any Portion of the Year from *Whitsunday* to *Whitsunday*, such Power shall not be affected by this Act; and the Assessors under this Act are hereby respectively authorized and required to make up such Supplementary Valuation Roll as may be necessary in order to such Supplementary Assessment: Provided always, that such Supplementary Assessment shall be made upon the Proprietors, Tenants, or Occupiers liable thereto, according to the Valuations established by this Act of the respective Lands and Heritages of which they are such Proprietors, Tenants, and Occupiers respectively for the Year, to a Portion of which such Supplementary Assessment applies: Provided also, that every Assessor making up such Supplementary Valuation Roll shall transmit or cause to be transmitted to each Person included therein, whether as Proprietor, Tenant, or Occupier, a Copy of every Entry in such Supplementary Valuation Roll wherein such Person shall be set forth either as Proprietor, Tenant, or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Supplementary Valuation he may appeal against the same as aftermentioned, and it shall be lawful for every such Person to appeal within Fourteen Days thereafter to the Court of Appeal established by this Act; and such Court shall have the Power of granting Relief against such Supplementary Valuation so appealed against, to such Extent and in such Way and Manner as to such Court may seem just.

Expenses of Valuations, how to be defrayed.

XVIII. After the Completion of each annual Valuation as aforesaid under this Act, the Commissioners of Supply of each County and the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending the same, and shall ascertain and fix the just Amount thereof, and shall cause such Amount to be apportioned upon the Parishes within such County and Burgh respectively, according to the yearly Rent or Value thereof as fixed by such Valuation, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause such Amount along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed upon the Lands and Heritages within their County or Burgh respectively, included in such Valuation, by a rateable Assessment upon such Lands and Heritages according to the yearly Rent or Value thereof as fixed by such Valuation, the

Proprietors and Occupiers of such Lands and Heritages being liable to pay such Assessment equally between them, or, in the Option of such Commissioners of Supply or Magistrates respectively, shall cause such Amount to be assessed along with and as part of and by way of Addition to any other Assessment which may be leviable according to the Valuation established by this Act within such County or Burgh; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh, arising from such Assessment under this Act in any one Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of each County and the Magistrates of each Burgh respectively, in such Manner as they may deem fit, for defraying the Expenses of making up Valuation Rolls under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that where in any County or Burgh there are or shall be Funds available for the Purpose, it shall be lawful for the Commissioners of Supply of such County or Magistrates of such Burgh, as the Case may be, to defray such Costs and Expenses as aforesaid out of such available Funds, in place of resorting to Assessment under the Provisions of this Act.

New Qualification for Commissioners of Supply.

XIX. From and after the passing of this Act, no Person, other than a Person duly qualified as after mentioned, shall be qualified to act as Commissioner of Supply in any County; and any Person not duly qualified as aforesaid acting as such Commissioner shall be subject and liable to the Penalties presently attached by Law to the acting as a Commissioner of Supply without Qualification; and from and after the passing of this Act the Qualification requisite for a Commissioner of Supply in any County shall be the being named as an *ex-officio* Commissioner of Supply in any Act of Supply, or the being Proprietor or the Husband of any Proprietor infeft in Liferent, or in Fee not burdened with a Liferent, in Lands and Heritages within such County, of the yearly Rent or Value, in Terms of this Act, of at least One hundred Pounds, or the being eldest Son and Heir Apparent of a Proprietor infeft in Fee not burdened with a Liferent in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Four hundred Pounds; and the Factor of any Proprietor or Proprietors infeft, either in Liferent or in Fee unburdened as aforesaid, in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Eight hundred Pounds, shall be qualified to act as a Commissioner of Supply in the Absence of such Proprietor or Proprietors: Provided always, that, with reference only to the Qualification of Commissioners of Supply under this Act, the yearly Rent or Value of Houses and other Buildings, not being Farmhouses or Offices or other agricultural Buildings, shall be estimated at only One Half of their actual yearly Rent or Value, in Terms of this Act: Provided also, that all Persons who shall, at the Date of the passing of this Act, have been in actual Possession of the Qualification then required by Law for a Commissioner of Supply, and entitled to act as such Commissioner, shall, so long as he shall continue to possess such last-mentioned Qualification, be deemed to be in possession of the Qualification requisite for a Commissioner of Supply in Terms of this Act.

Assessor of Railways and Canals to be appointed.

XX. In order to the making up of Valuations and Valuation Rolls of Lands and Heritages in *Scotland* belonging to or leased by Railway or Canal Companies, and forming part of the Undertakings of such Companies, it shall be lawful for Her Majesty to appoint, as Occasion requires, a fit and proper Person to be Assessor of Railways and Canals for the Purposes of this Act; and the Remuneration or Salary to be paid to such Assessor of Railways and Canals in respect of his own Time and Trouble, and in respect of any Clerks or other Officers whom he may be allowed by the Commissioners of Her Majesty's Treasury to employ in the Execution of his Duties under this Act, shall be fixed from Time to Time by the said Commissioners of Her Majesty's Treasury; and such Assessor of Railways and Canals shall, before entering on the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof, and shall be removeable by her Majesty at Pleasure.

Such Assessor to make up annually a Valuation Roll of Railways and Canals.

XXI. The Assessor of Railways and Canals under this Act shall, on or before the Fifteenth Day of *August* One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of *August* in every subsequent Year, inquire into and fix *in cumulo* the yearly Rent or Value, in Terms of this Act, of all Lands and Heritages in *Scotland* belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking, and shall also inquire into and fix the Amount which One Year with another would be required in order to the Acquisition, Formation, and Erection of the several Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business respectively, in *Scotland*, of or connected with each such Undertaking (including the Solum on which such Stations and others are erected), and shall also inquire into and fix all other Matters necessary to enable him to make up a Valuation Roll of Railways and Canals as after mentioned; and such Assessor of Railways and Canals shall make up a Valuation Roll, applicable to all Railway and Canal Companies having Lands and Heritages as aforesaid, in which Valuation Roll shall be set forth, in Columns, the yearly Rent and Value, in Terms of this Act, of the whole Lands and Heritages, in *Scotland*, belonging to or leased by each such Railway or Canal Company respectively, and forming Part of its Undertaking; the Names of the several Parishes, Counties, and Burghs through which the Line of such Railway or Canal Company runs, or in which its said Lands or Heritages, or any Part thereof, are situated; the lineal Measurement of its entire Line, and the Portion of such lineal Measurement situated in each such Parish, County, and Burgh; the Amount of the Cost as aforesaid of its several Stations, Wharfs, Docks, Depôts, Counting-houses, and Houses and Places of Business in *Scotland*, (including as aforesaid,) the Proportion of such gross Amount expended in each such Parish, County, and Burgh, and, where any Stations, Wharfs, Docks, Depôts, Counting-houses, or other Houses or Places of Business are held or used jointly by any Two or more Railway or Canal Companies, the Proportions in which such Railway and Canal Companies are respectively interested therein, and also the yearly Rent or Value, in Terms of this Act, ascertained as after mentioned, of the Portion in each Parish, County, and Burgh in *Scotland* of the Lands and Heritages belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking.

Mode in which the yearly Rent or Value of Railways and Canals is to be ascertained.

XXII. The yearly Rent or Value, in Terms of this Act of the Lands and Heritages in any Parish, County, or Burgh belonging to or leased by any Railway or Canal Company, and forming Part of the Undertaking of such Company, shall be ascertained as follows; that is to say, there shall be deducted, in the first place, from the *cumulo* yearly Rent or Value of the whole Lands and Heritages in *Scotland* as aforesaid of each such Railway or Canal Company, a sum equal to Three Pounds *per Centum* of the whole Cost as aforesaid of the Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business in *Scotland* of and connected with the Undertaking of such Railway or Canal Company (including as aforesaid); and the Proportion of such diminished *cumulo* Rent or Value corresponding to the lineal Measurement of the Portion of the Line, including Ferries attached thereto, of such Railway or Canal Company, situated in such Parish, County, or Burgh, as compared with the lineal Measurement of the entire Line, including Ferries as aforesaid, of such Railway or Canal Company, with the Addition of a

Sum equal to Three Pounds *per Centum* of the Cost as aforesaid of any Station, Wharf, Dock, Depôt, Counting-house, or other House or Place of Business, within such Parish, County, or Burgh, or of or connected with the Undertaking of such Railway or Canal Company (including as aforesaid), shall be deemed and taken to be the yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in such Parish, County, or Burgh, belonging to or leased by such Railway or Canal Company, and forming Part of its Undertaking.

Water, Gas, and other Companies may have their Lands and Heritages valued by the Assessor of Railways and Canals.

XXIII. Where any Water Company or Gas Company, or other Company having any continuous Lands and Heritages liable to be assessed in more than One Parish, County, or Burgh, shall desire to have such Lands and Heritages assessed by the Assessor of Railways and Canals under this Act, it shall be competent to such Water or Gas or other Company to make Intimation in Writing of such Desire, under the Hand of its Manager, Secretary, or other Principal Officer, at any Time before the Fifteenth Day of *May* in the Year One thousand eight hundred and fifty-five or before the Fifteenth Day of *May* in any subsequent Year, to the Sheriff of the County within which such Lands and Heritages, or the Head Office and Place of Business in *Scotland* of such Water or Gas or other Company are situated; and such Sheriff shall forthwith make such public Advertisement of his having received such Intimation as to him shall seem necessary or proper, and also shall make special Intimation thereof to the Assessor of Railways and Canals under this Act; and thereupon such Assessor of Railways and Canals shall be exclusively charged, subject to Appeal as herein provided, with the Valuation of the Lands and Heritages in *Scotland* of such Water or Gas or other Company in Terms of this Act; and such Assessor of Railways and Canals shall on or before the Fifteenth Day of *August* in the Year One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of *August* in every subsequent Year, inquire into and fix *in cumulo* the yearly Rent and Value, in Terms of this Act, of all Lands and Heritages in *Scotland* belonging to or leased by such Water or Gas or other Company, and forming Part of its Undertaking, and shall also inquire into and fix the just Proportions of such *cumulo* yearly Rent or Value applicable to each Parish, County, and Burgh in *Scotland* in which such Water or Gas or other Company is liable to be assessed as aforesaid; and such Assessor of Railways and Canals shall include in the Valuation Roll to be made up by him under this Act, all the Water Companies, Gas Companies, and other Companies, whose Lands and Heritages shall be valued by him as aforesaid, and shall set forth in such Valuation

tion Roll, in Columns, the yearly Rent or Value, in Terms of this Act, *in cumulo*, of the whole Lands and Heritages in *Scotland* belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking, the Names of the several Parishes, Counties, and Burghs in which its said Lands and Heritages or any Part thereof are situated, and also the yearly Rent or Value, in Terms of this Act, of the Portion in each such Parish, County, and Burgh, separately and respectively, of the Lands and Heritages belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking.

Notice of Valuation to be given to Railway and Canal Companies, &c.

XXIV. On or before the Fifteenth Day of *August* in each Year, the said Assessor of Railways and Canals under this Act shall transmit or cause to be transmitted to each Railway and Canal and other Company included in his Valuation, either through the Post Office, or by causing the same to be left at the Head or other known Office of Business of each such Company, a Copy of every Entry in his Valuation Roll wherein such Company shall be set forth, either as Proprietor, Tenant, or Occupier; and if such Company consider themselves aggrieved by such Valuation, they may obtain Redress by satisfying such Assessor of Railways and Canals, on or before the Eighth Day of *September* next ensuing, that they have well-founded Ground of Complaint, and obtaining an Alteration by him of his Valuation accordingly, which Alteration he is in such Case authorized to make, or by lodging a Note of Appeal, on or before such last-mentioned Date, to the Lord Ordinary officiating on the Bills in the Court of Session, or where the Lands and Heritages belonging to such Company are all situated within One County, then to the Sheriff of such County; and all Proceedings before such Lord Ordinary or Sheriff, as the Case may be, under this Act, shall be summary, and may be taken either in Court or at Chambers, and shall be conducted in such Way as such Lord Ordinary or Sheriff respectively may prescribe or allow; and any Deliverance which shall be pronounced by such Lord Ordinary or Sheriff, as the Case may be, on such Objections, on or before the Thirtieth Day of *November* next after such Appeal is entered and such Objections are made, shall receive Effect, and it shall be the Duty of such Assessor of Railways and Canals to alter his Valuation in conformity therewith; and such Deliverance, and the Valuation of the said Assessor of Railways and Canals, if not appealed against, or if appealed against in so far as not altered by a Deliverance of the Lord Ordinary or Sheriff as aforesaid, shall be final and conclusive, and not subject to Review.

If Companies think themselves aggrieved they may Appeal to Lord Ordinary.

Proceedings before Lord Ordinary, &c. to be summary.

Any Parish,

XXV. The Valuation Roll to be made up by the Assessor of

County, or Burgh interested in any Railway or Canal Valuation may appeal against the same to the Lord Ordinary.

of Railways and Canals, while the same is in the Hands of such Assessor, shall be Patent to all Persons having Interest therein, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same; and it shall be competent to any Parish, County, or Burgh, having Interest in any Valuation therein contained, to object to and represent against the same to the Lord Ordinary officiating on the Bills in the Court of Session, or when the Lands and Heritages belonging to any Railway or Canal or other Company included in such Valuation Roll are all situated within One County, then to the Sheriff of such County, and such Lord Ordinary or Sheriff, as the Case may be, shall afford to the Company to which such Objection applies an Opportunity of answering such Objection, and may also, if he think it necessary or proper, afford such Opportunity to the Assessor of Railways and Canals, or to any Person or Persons whom he may consider to be interested in such Objection; and any Deliverance which shall be pronounced by him on such Objections on or before the Thirtieth Day of *November* next after such Objections are made shall be given effect to, and be final and conclusive.

Assessor of Railways and Canals may call for Books and Writings, &c. and if such are refused, Right of Appeal to be forfeited.

XXVI. For the Purpose of making the Valuations of the Lands and Heritages of Railway and Canal and other Companies by the Assessor of Railways and Canals under this Act, it shall be lawful for such Assessor of Railways and Canals to require the Attendance before him of any Persons as Witnesses, and to examine such Witnesses on Oath, and also to call from Time to Time upon any Railway or Canal or other Company to be included in his Valuation for detailed Statements of the yearly Revenue of its Undertaking, distinguishing the different Sources thereof, and the Amount derived from each such Source, and also in the Case of Railways and Canals of the Cost as aforesaid of each of its Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business (including the Solum on which such Stations and others are erected), and also of the Parishes, Counties, and Burghs in which such Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business are severally situated, and of the lineal Measurement of the whole, any, each, and every Part of its Line, and to call for Production from Time to Time of any Books, Vouchers, or other Writings in the Possession of any Railway or Canal or other Company relating to or bearing upon any Matters aforesaid, or to or upon the Subject of the Inquiries of such Assessor under this Act; and if any such Company, or its Manager or Secretary, or the Chairman of its Board of Directors, all for the Time being, shall wilfully refuse or delay to furnish any such Statements, or to make any such Production, when required by the Assessor of Railways and Canals as aforesaid, such Company shall not be entitled to appeal against or object to the Valuation of such Assessor of Railways and Canals for the Year in which such Refusal or Delay takes place, anything in this Act to the contrary notwithstanding.

Valuations of Railways and Canals, &c., when completed, to be authenticated, and communicated to the Clerks of Supply and Town Clerks, and to be in force for One Year.

XXVII. The Valuation Roll to be made up annually as aforesaid by the Assessor of Railways and Canals under this Act shall, as soon as may be after the Thirtieth Day of *November* in each Year, be authenticated by the Signature of such Assessor, and such Valuation Roll shall then be in force as the Valuation Roll of Railway and Canal and other Companies for the Year commencing at the Term of *Whitsunday* immediately preceding and ending at the Term of *Whitsunday* immediately following; and the Assessor of Railways and Canals under this Act shall thereupon transmit to the Clerk of Supply of each County and to the Town Clerk of each Burgh in which any Portion of the Undertaking of any such Company is situated a certified Copy of the Valuation, in Terms of this Act, taken from such Valuation Roll, of the Lands and Heritages within such County or Burgh respectively belonging to or leased by and forming Part of the Undertaking of such Company; and such Valuation relating to such Company shall be engrossed by such Clerk of Supply or Town Clerk, as the Case may be, in the Valuation Roll of such County or Burgh, and shall be authenticated by the Signature of such Clerk of Supply or Town Clerk, and shall be thenceforward deemed and taken to be a Part of such Valuation Roll of such County or Burgh.

Valuation Rolls of Railways and Canals, &c. to be transmitted to the General Register House for Preservation.

XXVIII. The Valuation Rolls of Railway and Canal and other Companies, to be made up by the Assessor of Railways and Canals in Terms of this Act, shall be periodically transmitted by the Assessor of Railways and Canals to the Lord Clerk Register, or his Deputy, for Preservation in the General Register House, in like Manner as the Valuation Rolls of Counties and Burghs are herein-after directed to be periodically transmitted as aforesaid.

Salary of the Assessor of Railways and Canals to be contributed rateably by Rail-

XXIX. The Amount of the Remuneration or Salary of the Assessor of Railways and Canals under this Act, and of his Clerks and other Officers as aforesaid, shall, on or before the Eleventh Day of *November* in each Year, be paid by the Railway and Canal and other Companies having Lands and Heritages included in the Valuation of Railways and Canals for the Year to which such Remuneration or Salary applies, to the Commissioners of Her Majesty's Treasury, or to such Person way and Canal Companies, &c.

Person or Persons as they may appoint to receive the same, each Company paying a Proportion of such Remuneration or Salary corresponding to the yearly Rent or Value of its Lands and Heritages, ascertained in Terms of this Act, as compared with the yearly Rent or Value of the whole Lands and Heritages in *Scotland* of Railway and Canal and other Companies included in such Valuation; and in case of any Difference of Opinion as to the Proportions in which such Remuneration or Salary should be borne by such Companies respectively, in Terms of this Act, the same shall be determined by the Commissioners of Her Majesty's Treasury, whose Award thereon shall be final; and on or before the Thirty-first Day of *December* in each Year the said Remuneration or Salary received from such Companies as aforesaid shall be paid over by the Commissioners of Her Majesty's Treasury to the Assessor of Railways and Canals; and the Proportion of such Remuneration or Salary payable by each such Company, in Terms of this Act, shall be deemed to be a Debt due by such Company to the Crown, and shall be recoverable in like Manner as any other Debt due to the Crown is recoverable by Law.

Mistake or Misnomer not to affect Valuation.

XXX. No Valuation of any Lands or Heritages contained in any Valuation Roll under this Act shall be rendered void or be affected by reason of any Mistake or Variance in the Names of such Lands or Heritages, or in the Christian or Surname or Designation of any Proprietor or Tenant or Occupier thereof; and no Valuation Roll which shall be made up and authenticated in Terms of this Act, and no Valuation which shall be contained therein, shall be challengeable, or be capable of being set aside or rendered ineffectual, by reason of any Informality, or of any Want of Compliance with the Provisions of this Act, in the Proceedings for making up such Valuation or Valuation Roll.

Proprietors of Subjects under 4*l.* to be chargeable with Assessments.

XXXI. In all Cases where any Lands or Heritages shall be separately let at a Rent not amounting to Four Pounds *per Annum*, and the Names of the Occupiers thereof shall not have been inserted in the Valuation Roll, the Proprietor of such Lands and Heritages shall be charged with and have to pay the whole of the Assessments on such Lands and Heritages separately let as aforesaid; but every such Proprietor charged with and paying such Assessment shall have Relief against the Tenants and Occupiers of such Lands and Heritages for Reimbursements thereof, if and in so far as such Assessments may by Law be properly chargeable upon such Tenant or Occupiers.

Prison Assessment

XXXII. From and after the Establishment of Valuations of the Lands and Heritages in *Scotland* under this Act, every to be upon Valuations established by this Act, and not by 2 & 3 Vict. c. 42.

Assessment which shall or might lawfully be assessed or levied under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland, upon any Lands or Heritages, according to the annual Value of such Lands or Heritages, shall be assessed and levied upon the Basis of the Valuations for the Time being established under this Act; and the said last-recited Act is hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

Other public Assessments leviable on Real Rent to be levied upon Valuations established by this Act.

XXXIII. Where, in any County, Burgh, or Town, any County, Municipal, Parochial, or other public Assessment, or any Assessment, Rate, or Tax under any Act of Parliament, is authorized to be imposed or made upon or according to the Real Rent of Lands and Heritages, the yearly Rent or Value of such Lands and Heritages, as appearing from the Valuation Roll in force for the Time under this Act in such County, Burgh, or Town, shall, from and after the Establishment of such Valuation therein, be always deemed and taken to be the just Amount of Real Rent for the Purposes of such County, Municipal, Parochial, or other Assessment, Rate, or Tax, and the same shall be assessed and levied according to such yearly Rent or Value accordingly, any Law or Usage to the contrary notwithstanding: Provided always, that when the Area of any Parish Church heretofore erected has been allocated among the Heritors, according to their respective valued Rents as appearing upon the present Valuation Rolls, all Assessments for the Repair thereof shall be imposed according to such valued Rent; and where in any County, Burgh, or Town, any County, Municipal, Parochial, or other Public Assessment, or any Assessment, Rate, or Tax under any Act of Parliament, other than Poor Rates, is or might be assessed upon Means and Substance, such Assessment shall, from and after the Establishment of Valuations under this Act, be assessed and levied upon the yearly Rent or Value, in Terms of this Act, of such Lands and Heritages within such County, Burgh, or Town, One Half upon the Owners and the other Half upon the Tenants and Occupiers of such Lands and Heritages, but subject to the Provisions and Exceptions herein-before made and provided as regards Lands and Heritages separately let at a Rent not amounting to Four Pounds; and all Acts, Laws, and Usages to the contrary are hereby repealed in so far as necessary to give Effect to this Enactment, but no further.

Valuation Roll to be Evidence in Registration

XXXIV. In all Questions and Proceedings under any Act of Parliament relating to the Franchise, or to the Representation of the People in Parliament, it shall be sufficient to refer to and Appeal Courts.

to an Entry in the Valuation Roll in force for the Time, or last in force under this Act in any County or Burgh, and such Entry shall be received and taken in all such Questions and Proceedings as conclusive Proof that the gross yearly Rent or Value of the Lands or Heritages specified therein is at the Date of such Reference, and has been from the Commencement of the Year to which such Valuation Roll applies, of the Amount therein set forth; and it shall be competent in all Cases, notwithstanding anything in any existing Act of Parliament to the contrary, to refer to such Valuation Roll in such Appeal Court, although such Valuation Roll may not have been produced or referred to in the Registration Court; and it shall be the Duty of every Sheriff Clerk of a County and Town Clerk of a Burgh officiating or who ought to officiate at any Registration Court or Court of Appeal under any such Act of Parliament to have the Valuation Roll of the County or Burgh, as the Case may be, in force for the Time under this Act, on the Table of such Registration Court or Court of Appeal, as the Case may be, for Reference as aforesaid; and as soon as each annual Valuation Roll of a County, or of a Burgh not being a Burgh sending or contributing to send a Member to Parliament, shall have been completed under this Act, and when the same shall be required for the Purposes of any Registration or Appeal Court, the Clerk of Supply having the Custody of such Valuation Roll shall, when called upon to do so, transmit the same to the Sheriff Clerk of the County, by whom it shall be retained, patent to all Parties having Interest therein, until the Business of the Registration and Appeal Courts of the Year shall be concluded, when it shall be forthwith returned by such Sheriff Clerk to such Clerk of Supply.

Valuation Rolls to be made up in prescribed Form, and to be transmitted to the General Register House for Preservation.

XXXV. The Valuation Rolls to be made up in Terms of this Act shall be, as nearly as may be, in the Forms of the Schedules hereunto annexed, and shall be otherwise in such Form and of such Dimensions as may be prescribed by the Lord Clerk Register of *Scotland*, or his Deputy; and at the Expiration of Six Years from the Date of the passing of this Act, and at the Expiration of every subsequent Period of Six Years thenceforward, every Clerk of Supply and Town Clerk or other Person, being Custodier of the Valuation Rolls of any County or Burgh under this Act, shall transmit or cause to be transmitted to the said Lord Clerk Register or his Deputy, in order to Preservation thereof in the General Register House of *Scotland*, the whole Valuation Rolls of such County or Burgh then completed, and not previously transmitted, other than the Valuation Rolls of such County or Burgh in force for the Time being.

Boundaries of Burghs sending Members to Parliament to be same as prescribed by 2 & 3 W. 4. c. 65.

XXXVI. The Limits and Boundaries of such Burghs as send, or contribute to send, a Member or Members to Parliament, shall, for the Purposes of this Act, be taken and held to be according to the Limits and Boundaries prescribed by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of his late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland; Provided always, that in any Burgh in which the ordinary Jurisdiction of the Magistrates shall not extend over the whole of the said Boundaries, it shall be lawful to exclude therefrom, for the Purposes of this Act, such Part thereof, being beyond the ordinary Jurisdiction of the Magistrates, as may be mutually agreed on by the Magistrates of the Burgh and the Commissioners of Supply for the County, or in case of Disagreement as shall be determined by the Sheriff of such County: Provided always, that where more than One Burgh contributes to send a Member or Members to Parliament, each such Burgh shall notwithstanding be held to be distinct and separate Burghs for the Purposes of this Act; and the Magistrates of each Burgh respectively shall have and exercise all the Powers herein conferred on Magistrates of Burghs: Provided also, that where the Boundaries of any Burgh are not prescribed by the before-recited Act of the Second and Third Years of the Reign of His Majesty King *William* the Fourth, the same shall be determined by the Sheriff of the Sheriffdom in which such Burgh is situated, or, if such Burgh be situated partly in one County and partly in another, by the Sheriff of that Sheriffdom in which the greater Part of such Burgh may be situated; and, as soon as may be after the passing of this Act, every Sheriff to whom such Power of fixing the Boundaries of any Burgh for the Purposes of this Act is hereby committed shall, by Letter to be addressed by him to the Chief or Senior Magistrate or other Administrator on behalf of such Burgh, require such Magistrate or other Administrator of such Burgh to attend him at a Time and Place to be fixed in such Letter, and shall likewise intimate the same to the Convenor or Convenors of the County or Counties in which such Burgh is situated, and shall at such Time and Place, or at any Time or Place to which the Sheriff may adjourn the Inquiry, take such Evidence as may be adduced to him, or as he may think necessary, and shall thereupon, by Writing under his Hand, fix and determine the Boundaries of such Burgh for the Purposes of this Act, and shall cause such written Determination to be recorded in the Sheriff Court Books of his County, and shall furnish an official Extract therefrom to such Magistrate or Administrator, and to the Clerk or Clerks of Supply of the County or Counties within which such Burgh is situated; and such Determination shall, when so recorded, fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Recovery of Penalties.

XXXVII. Every Penalty imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made in Name of an Assessor under this Act to the Sheriff of the Sheriffdom in which the Offence shall have been committed, or to the Sheriff of any Sheriffdom in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Calendar Months.

Application of Penalties.

XXXVIII. The Sheriff by whom any Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County or Burgh in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Calendar Months after the Commission of the Offence for which it has been incurred.

Where Assessments are levied under Local Acts on

XXXIX. Where in any Burgh or Parish or County under any Statute any Assessment, Rate, or Tax of a fixed Amount or Per-centage has been assessed upon or levied from the Proprietors or Tenants or Occupiers of any Lands and Heritages, but according to a different Valuation from that established by this Act, it shall be lawful for the Sheriff, on an Application from any Person or Persons authorized to assess or levy such Assessment, Rate, or Tax, or from any Ratepayer within such County, Burgh, or Parish, to fix and determine, after such Inquiry and Notice as he shall think proper, what Per-centage, according to the Valuation to be made under this Act, corresponds with and will yield as nearly as may be the Sum which the Per-centage specified in such Statute should yield according to the Valuation hitherto in use to be made up under such Statute, and the Per-centage so fixed by the Sheriff shall thereafter, subject to all legal Rights, be held to be the Per-centage provided by such Statute.

a different Valuation to that established by this Act, Sheriff of the County to fix Per-centage.

XL. After the Completion of the First Valuation under this Act, it shall be in the Power of the Commissioners of Supply to assess on the said Valuation and any subsequent Valuation the Rogue Money and all the other Assessments now levied on the valued Rent; provided that Notice of the Resolution so to assess be given at the Meeting of the said Commissioners previous to the Meeting at which such Assessment is to be made; but after such Resolution has once been adopted by the said Commissioners it shall not be in their Power to revert to the former Mode of Assessment.

Rogue Money, &c. to be assessed, first giving Notice of the same.

XLI. Nothing contained in this Act shall alter or affect any Classification or Power of Classification, or any Deduction or Allowances, or Power of making Deductions or Allowances, from gross Rental, made or possessed by any Body, Persons or Person, entitled to impose or levy Assessments, but the same shall not affect the Value to be inserted in the Valuation Roll in Terms of this Act; and nothing contained in this Act shall exempt from or render liable to Assessment any Person or Property not previously exempt from or liable to Assessment.

Liability to Assessment not to be altered.

XLII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Expression "Lands and Heritages" shall extend to and include all Lands, Houses, Shootings, and Deer Forests, where such Shootings or Deer Forests are actually let, Fishings, Woods, Copse and Underwood from which Revenue is actually derived, Ferries, Piers, Harbours, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coalworks, Waterworks, Limeworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof, and all Machinery fixed or attached to any Lands

Interpretation Clause.

Lands or Heritages: Provided always, that no Mine or Quarry shall be assessed unless it has been worked during some Part of the Year to which such Assessment applies; the Word "Oath" shall include the affirmation of a Quaker, Separatist, or Moravian; the Word "Proprietor" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; the Word "Factor" shall mean a Person acting under a probative Factory and Commission for the Proprietor or Proprietors, including Corporations being Proprietors, for whom he is Factor, and in the *bonâ fide* actual Management as such Factor of the Lands and Heritages belonging to such Proprietor; the Word "Burgh" shall apply only to a City, Burgh, or Town, being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost, or Provost, or Chief Magistrate and Magistrates and Councils of Burghs, and all Persons being Members for the Time of such Magistracy or Council; the Word "Town" shall extend to and include all Burghs, as well Royal and Parliamentary Burghs as Burghs of Barony or Regality, and all other Burghs whatsoever, and generally all Places situate within a County forming an Area of Assessment distinct from such County; the Word "County" shall include "Stewartry," and shall include and apply to a County exclusive of the Burghs situated therein; the Expression "the Assessor" shall mean the Assessor under this Act of the County or Burgh or Portion or District of the County or Burgh for which he is Assessor, as distinguished from the Assessor of Railways and Canals under this Act.

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL FOR COUNTIES.

County of Parish of

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.				
					1854.	1855.	1856.	1857.	1858.
1	Farm of ——	*A. B.* of *C.* -	*E. F.*, residing at ——	*G. H.*, residing at ——	150*l.*				
-	Do. -	Do. -	Do. -	Do. -	- -	150*l.*			
-	Do. -	Do. -	Do. -	Do. -	- -	- -	150*l.*		
-	Do. -	Do. -	*L. M.*, residing at ——	*L. M.*, residing at ——	- -	- -	- -	160*l.*	
-	Do. -	Do. -	Do. -	Do. -	- -	- -	- -	- -	160*l.*
2	House, Garden, and Grounds of ——	*O. P.* Esq., Mining Engineer.	- -	*O. P.* aforesaid	40*l.*				
-	Do. -	Do. -	- -	Do. -	- -	40*l.*			
-	Do. -	*R. S.*, Merchant in ——	- -	Do. -	- -	- -	40*l.*		
-	Do. -	Do. -	- -	*R. S.*, Merchant in ——	- -	- -	- -	35*l.*	
-	Do. -	Do. -	- -	Do. -	- -	- -	- -	- -	35*l.*

VALUATION ROLL FOR BURGHS.

Burgh [*or* City] of Year

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.
1	House, 9, High Street	*A. B.*, residing at ——	*C. D.*, Merchant -	*C. D.*, Merchant -	70*l.*
2	Shop, 10, Do.	*E. F.*, Architect -	*G. H.*, Draper -	*G. H.*, Draper -	50*l.*

CAP. XCII.

An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.—[10th August 1854.]

CAP. XCIII.

An Act for the Exchange of the Office in Somerset House *of the Duchy of* Cornwall *for an Office to be erected in* Pimlico *on the Hereditary Possessions of the Crown.*—[10th August 1854.]

CAP. XCIV.

An Act to alter the Mode of providing for certain Expenses now charged upon certain Branches of the Public Revenues and upon the Consolidated Fund.—[10th August 1854.]

CAP. XCV.

An Act to make better Provision for the Administration of the Laws relating to the Public Health.—[10th August 1854.] (England.)

CAP. XCVI.

An Act for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares.—[10th August 1854.]

WHEREAS it is expedient that Gold of Standards inferior to those now allowed by Law should be permitted to be used in Manufactures of Gold, and that Provision should be made for authorizing such lower Standards: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Her Majesty may, by Order in Council, allow any Standard for Gold Wares not less than One Third Part in the whole.

I. It shall be lawful for Her Majesty, by any Order or Orders to be from Time to Time made by and with the Advice of Her Privy Council, to order that any Gold Vessel, Plate, or Manufacture of Gold may be wrought of any Standard not being less than One Third Part in the whole of Fine Gold, to be declared in any such Order, and also to approve thereby of the Instrument with which Gold Vessels, Plate, and Manufactures of Gold shall be marked or stamped, setting forth in Figures the actual Fineness thereof, according to the Standard so declared; and every such Gold Vessel, Plate, and Manufacture of Gold may be wrought accordingly; and it shall be lawful for Her Majesty, by and with the Advice aforesaid, to revoke or alter from Time to Time any such Order as aforesaid.

Gold and Silver Wares may be assayed at any lawful Assay Office wherever manufactured.

II. Workers or Dealers in Gold or Silver may register their Names, Marks, and Places of Abode at any Assay Office or Offices established by Law which they may select, and may thereupon have the Wares which are manufactured by them assayed and marked at such Office or Offices, without being liable to any Forfeiture or Penalty imposed by any Act now in force for not registering their Names, Marks, or Places of Abode, or for making, selling, or exporting such Wares without being marked at a particular Assay Office, and the Wares which shall be assayed as aforesaid may be sold or exposed by any Person without being liable to any Forfeiture or Penalty, notwithstanding any Provision to the contrary in any Act now in force.

Gold Wares

III. If any of the Gold Wares which by any Statute now in unnecessarily marked not liable to Duty on Gold Plate.

in force are not liable to be assayed and marked shall nevertheless be assayed and marked as of One of the Standards authorized by Law, such Wares shall not by reason thereof be chargeable with the Duty now levied upon Gold Plate.

Provisions of existing Acts to be applicable to the new Standard.

IV. Nothing in this Act contained shall be deemed or taken to repeal the Statutes now in force relating to Standards of Gold Wares, or to the Marks for denoting the same, or any of such Statutes, but the same and all the Provisions, Prohibitions, Penalties, and Forfeitures enacted thereby respectively, shall continue to be in as full Force and Effect as if this Act had not passed, and shall be construed with and as forming Part of this Act, save only that in the Interpretation thereof all Standards authorized by Her Majesty in pursuance of this Act shall be deemed and taken to be lawful Standards; and all Gold Vessels, Plate, and Manufactures wrought in conformity with this Act, shall be deemed and taken to be lawfully wrought within the Meaning of the said Statutes; and all Gold Vessels, Plate, and Manufactures duly assayed and marked in conformity with this Act, and being of the Standard duly authorized in pursuance of the same, shall be deemed and taken to be lawfully assayed and marked within the Meaning of the same Statutes respectively.

Penalty for marking Gold Ware of a lower Standard with the Mark appropriated to a higher Standard.

V. If any Assayer or other Officer or Person employed by any Company or Corporation authorized to assay and mark Gold Vessels, Plate, or Manufactures of Gold shall mark or permit or suffer to be marked any Gold Vessel, Plate, or Manufacture of Gold of a lower Standard with any Die or other Instrument used by any such Company or Corporation for marking Gold Vessels, Plate, or Manufactures of Gold of a higher Standard, every such Company or Corporation to which such Assayer or Officer shall belong or by which such Person shall be employed shall for every such Offence forfeit and pay to Her Majesty the Sum of Twenty Pounds, which may be sued for and recovered in such and the like Manner as Penalties recoverable under any Act in force relating to Stamp Duties are to be sued for and recovered by Law; and every such Assayer or other Officer or Person employed as aforesaid, upon Complaint or Information made thereof by any Officer of Stamp Duties to any Justice of the Peace having Jurisdiction where any such Offence shall be committed, upon the oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), and upon being convicted of such Offence by or before such Justice, shall be by him forthwith dismissed and discharged from his said Office and Employment of or in the Company or Corporation to or in which he shall have so belonged or been so employed as aforesaid, and shall be incapable for ever afterwards of holding any Office or Employment in or under the same or any other such Company or Corporation; and every Gold Vessel, Plate, and Manufacture of Gold of a lower Standard so marked as last aforesaid shall and may be lawfully seized by any such Company or Corporation other than the Company or Corporation to which the offending Officer or Person belongs or by whom he is employed, and shall be dealt with in like Manner as is provided with respect to Wares seized by virtue of the Provisions of the Act of the Seventh and Eight Years of the Reign of Her present Majesty, Chapter Twenty-two.

CAP. XCVII.

An Act to amend and extend the Acts for the Inclosure, Exchange, and Improvement of Land.—[10th August 1854.] (England.)

CAP. XCVIII.

An Act to Regulate the Salaries of the Parochial Schoolmasters of Scotland.—[10th August 1854.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making better Provision for the Parochial Schoolmasters, and for making further Regulations for the better Government of the Parish Schools in* Scotland, whereby Provision is made for ascertaining the Amount of the Schoolmasters Salaries according to the average Amount of the Fiars Prices of Oatmeal in the several Counties and Stewartries, and for re-ascertaining the Amount of such Salaries at the End of every Period of Twenty-five Years, according to the average Amount of the Fiars Prices to be ascertained as aforesaid: And whereas the Average Price of a Chalder of Oatmeal, according to such Fiars Prices, was upon the Twenty-seventh day of *November* One thousand eight hundred and twenty-eight struck by the Barons of Exchequer at Seventeen Pounds Two Shillings and Twopence and One Farthing, and such Average expired, according to the said recited Act, as at the Term of *Martinmas* One thousand eight hundred and fifty-three: 43 G. 3. c. 54.

three: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Average struck in 1828 to, endure till Martinmas 1855.

I. The Salaries of the said Schoolmasters shall continue and be paid, according to the said Average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of *Martinmas* One thousand eight hundred and fifty-three till the Term of *Martinmas* One thousand eight hundred and fifty-five, both inclusive, as if such Average had not expired at the Term of *Martinmas* One thousand eight hundred and fifty-three, but had endured to the Term of *Martinmas* One thousand eight hundred and fifty-five, and such Schoolmasters shall have all such Rights and Remedies in respect of such Salaries as they had prior to the said Term of *Martinmas* One thousand eight hundred and fifty-three.

Recited Act continued.

II. So far as not inconsistent with this Act, the said recited Act shall continue in full Force and Effect: Provided always, that the Rights conferred on such Schoolmasters by this Act shall not be diminished or affected by any Meetings or Resolutions of Heritors held or passed since the said Term of *Martinmas* One thousand eight hundred and fifty-three.

CAP. XCIX.

An Act to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in Dublin.—[10th August 1854.]

CAP. C.

An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery.—[10th August 1854.]

CAP. CI.

An Act to continue and amend the Acts now in force relating to Friendly Societies.—[10th August 1854.]

13 & 14 Vict. c. 115.

WHEREAS the Act passed in the Thirteenth and Fourteenth Years of Her present Majesty, intituled *An Act to amend and consolidate the Law relating to Friendly Societies,*

Societies, was continued in force for a Period therein limited by an Act passed in the Fifteenth and Sixteenth Years of Her said Majesty, Chapter Seventy-five: And whereas the said Acts will expire at the End of the present Session of Parliament, and it is expedient the same shall be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act further continued.

I. The said Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter One hundred and fifteen, shall be further continued to the first day of *October* in the Year One thousand eight hundred and fifty-five, and to the End of the then next Session of Parliament.

Transcripts of Rules to be deposited with Registrars.

II. All Transcripts of the Rules of Friendly Societies now filed with the Rolls of the Sessions of the Peace in any County, Riding, or Division of a County shall be taken off the File, and sent to the Registrars, who shall keep the same in such Manner as shall be from Time to Time directed by One of Her Majesty's Principal Secretaries of State.

CAP. CII.

An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament.—[10th August 1854.]

WHEREAS the Laws now in force for preventing corrupt Practices in the Election of Members to serve in Parliament have been found insufficient: And whereas it is expedient to consolidate and amend such Laws, and to make further Provision for securing the Freedom of such Elections: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Acts in the Schedule.

I. The several Acts of Parliament mentioned in the Schedule A. hereto annexed shall be repealed to the Extent specified concerning the same Acts respectively in the Third Column of the said Schedule.

Bribery defined.

II. The following Persons shall be deemed guilty of Bribery, and shall be punishable accordingly:

1. Every Person who shall, directly or indirectly, by himself, or by any other Person on his Behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise

to procure or to endeavour to procure, any Money, or valuable Consideration, to or for any Voter, or to or for any Person on behalf of any Voter, or to or for any other Person in order to induce any Voter to vote, or refrain from voting, or shall corruptly do any such Act as aforesaid, on account of such Voter having voted or refrained from voting at any Election:

2. Every Person who shall, directly or indirectly, by himself or by any other Person on his Behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any Office, Place, or Employment to or for any Voter, or to or for any Person on behalf of any Voter, or to or for any other Person, in order to induce such Voter to vote, or refrain from voting, or shall corruptly do any such Act as aforesaid, on account of any Voter having voted or refrained from voting at any Election:
3. Every Person who shall, directly or indirectly, by himself, or by any other Person on his Behalf, make any such Gift, Loan, Offer, Promise, Procurement, or Agreement as aforesaid, to or for any Person, in order to induce such Person to procure, or endeavour to procure, the Return of any Person to serve in Parliament, or the Vote of any Voter at any Election:
4. Every Person who shall, upon or in consequence of any such Gift, Loan, Offer, Promise, Procurement, or Agreement, procure or engage, promise, or endeavour to procure the Return of any Person to serve in Parliament, or the Vote of any Voter at any Election:
5. Every Person who shall advance or pay, or cause to be paid, any Money to or to the Use of any other Person with the Intent that such Money or any Part thereof shall be expended in Bribery at any Election, or who shall knowingly pay or cause to be paid any Money to any Person in Discharge or Repayment of any Money wholly or in part expended in Bribery at any Election:

And any Person so offending shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable by Fine and Imprisonment, and shall also be liable to forfeit the Sum of One hundred Pounds to any Person who shall sue for the same, together with full Costs of Suit: Provided always, that the aforesaid Enactment shall not extend or be construed to extend to any Money paid or agreed to be paid for or on account of any legal Expenses *bonâ fide* incurred at or concerning any Election.

III. The following Persons shall also be deemed guilty of Bribery, and shall be punishable accordingly:

Bribery further defined.

1. Every Voter who shall, before or during any Election, directly or indirectly, by himself or by any other Person on his Behalf, receive, agree, or contract for any Money, Gift, Loan, or valuable Consideration, Office, Place, or Employment, for himself or for any other Person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any Election:
2. Every Person who shall, after any Election, directly or indirectly, by himself or by any other Person on his Behalf, receive any Money or valuable Consideration on account of any Person having voted or refrained from voting, or having induced any other Person to vote or to refrain from voting, at any Election:

And any Person so offending shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable by Fine and Imprisonment, and shall also be liable to forfeit the Sum of Ten Pounds to any Person who shall sue for the same, together with full Costs of Suit.

Penalty.

IV. Every Candidate at an Election, who shall corruptly by himself, or by or with any Person, or by any other Ways or Means on his Behalf, at any Time, either before, during, or after any Election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any Expenses incurred for any Meat, Drink, Entertainment, or Provision to or for any Person, in order to be elected, or for being elected, or for the Purpose of corruptly influencing such Person or any other Person to give or refrain from giving his Vote at such Election, or on account of such Person having voted or refrained from voting, or being about to vote or refrain from voting, at such Election, shall be deemed guilty of the Offence of Treating, and shall forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, with full Costs of Suit; and every Voter who shall corruptly accept or take any such Meat, Drink, Entertainment, or Provision, shall be incapable of voting at such Election, and his Vote, if given, shall be utterly void and of none effect.

Treating defined.

Penalty.

V. Every Person who shall, directly or indirectly, by himself, or by any other Person on his Behalf, make use of, or threaten to make use of, any Force, Violence, or Restraint, or inflict or threaten the Infliction, by himself or by or through any other Person, of any Injury, Damage, Harm, or Loss, or in any other Manner practise Intimidation upon or against any Person in order to induce or compel such Person to vote or refrain

Undue Influence defined.

refrain from voting, or on account of such Person having voted or refrained from voting, at any Election, or who shall, by Abduction, Duress, or any fraudulent Device or Contrivance, impede, prevent, or otherwise interfere with the free Exercise of the Franchise of any Voter, or shall thereby compel, induce, or prevail upon any Voter, either to give or to refrain from giving his Vote at any Election, shall be deemed to have committed the Offence of undue Influence, and shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable by Fine or Imprisonment, and shall also be liable to forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, together with full Costs of Suit.

Penalty.

Names of Offenders to be struck out of Register, and inserted in separate List.

VI. Whenever it shall be proved before the Revising Barrister that any Person who is or claims to be placed on the List or Register of Voters for any County, City, or Borough has been convicted of Bribery or undue Influence at an Election, or that Judgment has been obtained against any such Person for any penal Sum hereby made recoverable in respect of the Offences of Bribery, Treating, or undue Influence, or either of them, then and in that Case such Revising Barrister shall, in case the Name of such Person is in the List of Voters, expunge the same therefrom, or shall, in case such Person is claiming to have his Name inserted therein, disallow such Claim; and the Names of all Persons whose Names shall be so expunged from the List of Voters, and whose Claims shall be so disallowed, shall be thereupon inserted in a separate List, to be entitled "The List of Persons disqualified for "Bribery, Treating, or undue Influence," which last-mentioned List shall be appended to the List or Register of Voters, and shall be printed and published therewith, wherever the same shall be or is required to be printed or published.

No Cockades, &c. to be given at Elections.

VII. No Candidate before, during, or after any Election shall in regard to such Election, by himself or Agent, directly or indirectly, give or provide to or for any Person having a Vote at such Election, or to or for any Inhabitant of the County, City, Borough, or Place for which such Election is had, any Cockade, Ribbon, or other Mark of Distinction; and every Person so giving or providing shall for every such Offence forfeit the Sum of Two Pounds to such Person as shall sue for the same, together with full Costs of Suit; and all Payments made for or on account of any Chairing, or any such Cockade, Ribbon, or Mark of Distinction as aforesaid, or of any Bands of Music or Flags or Banners, shall be deemed illegal Payments within this Act.

Penalty.

Voters not to serve as Special

VIII. No Person having a right to vote at the Election for any County, City, Borough, or other Place shall be liable or compelled to serve as a Special Constable at or during any Election for a Member or Members to serve in Parliament for such County, City, Borough, or other Place, unless he shall consent so to act; and he shall not be liable to any Fine, Penalty, or Punishment whatever for refusing so to act, any Statute, Law, or Usage to the contrary notwithstanding.

Constables during Elections.

IX. The pecuniary Penalties hereby imposed for the Offences of Bribery, Treating, or undue Influence respectively shall be recoverable by Action or Suit by any Person who shall sue for the same in any of Her Majesty's Superior Courts at *Westminster*, if the Offence be committed in *England* or *Wales*, and in any of Her Majesty's Superior Courts in *Dublin* if the Offence be committed in *Ireland*, and in or before the Court of Session if the Offence be committed in *Scotland*, and not otherwise.

Penalties, how to be recovered.

X. It shall be lawful for any Criminal Court, before which any Prosecution shall be instituted for any Offence against the Provisions of this Act, to order Payment to the Prosecutor of such Costs and Expenses as to the said Court shall appear to have been reasonably incurred in and about the Conduct of such Prosecution: Provided always, that no Indictment for Bribery or undue Influence shall be triable before any Court of Quarter Sessions.

Costs and Expenses of Prosecutions.

XI. For the more effectual Observance of this Act, every Returning Officer to whom the Execution of any Writ or Precept for electing any Member or Members to serve in Parliament may appertain or belong shall, in lieu of the Proclamation or Notice of Election heretofore used, publish or cause to be published such Proclamation or Notice of Election as is mentioned in Schedule B. to this Act, or to the like Effect.

Returning Officer to give Notice of Election.

XII. In case of any Indictment or Information by a private Prosecutor for any Offence against the Provisions of this Act, if Judgment shall be given for the Defendant, he shall be entitled to recover from the Prosecutor the Costs sustained by the Defendant by reason of such Indictment or Information, such Costs to be taxed by the proper Officer of the Court in which such Judgment shall be given.

In cases of private Prosecutions, if Judgment be given for the Defendant, he shall recover Costs from the Prosecutor.

XIII. It shall not be lawful for any Court to order Payment of the Costs of a Prosecution for any Offence against the Provisions of this Act, unless the Prosecutor shall, before or upon the finding of the Indictment or the granting of the Information, enter into a Recognizance, with Two sufficient Sureties, in the Sum of Two hundred Pounds (to be acknowledged in like Manner as is now required in Cases of Writs of Certiorari awarded at the Instance of a Defendant in an Indictment), with the Conditions following; that is to say, that

Prosecutor not to be entitled to Costs unless he shall have entered into a Recognizance to conduct Prosecution and pay Costs. that the Prosecutor shall conduct the Prosecution with Effect, and shall pay to the Defendant or Defendants, in case he or they shall be acquitted, his or their Costs.

Limitation of Actions. XIV. No Person shall be liable to any Penalty or Forfeiture hereby enacted or imposed, unless some Prosecution, Action, or Suit for the Offence committed shall be commenced against such Person within the Space of One Year next after such Offence against this Act shall be committed, and unless such Person shall be summoned or otherwise served with Writ or Process within the same Space of Time, so as such Summons or Service of Writ or Process shall not be prevented by such Person absconding or withdrawing out of the Jurisdiction of the Court out of which such Writ or other Process shall have issued; and in case of any such Prosecution, Suit, or Process as aforesaid, the same shall be proceeded with and carried on without any wilful Delay.

Power to Returning Officers to appoint Election Auditors. XV. Whereas it is expedient to make further Provision for preventing the Offences of Bribery, Treating, and undue Influence, and also for diminishing the Expenses of Elections: Be it enacted, That within Six Days after the passing of this Act the Returning Officers of the City of *Canterbury*, the Boroughs of *Cambridge*, *Kingston-upon-Hull*, *Maldon*, and *Barnstaple*, and once in every Year, in the Month of *August*, the Returning Officer of every County, City, and Borough shall appoint a fit and proper Person to be an Election Officer, to be called "Election Auditor or Auditor of Election Expenses," to act at any Election or Elections for and during the Year then next ensuing, and until another Appointment of Election Auditor shall be made; and such Returning Officer shall, in such Way as he shall think best, give public Notice of such Appointment in such County, City, or Borough; provided, that any Person appointed an Election Auditor may be re-appointed as often as the Returning Officer for the Time being shall think fit; and that every Person who shall be an Election Auditor on the Day appointed for any Election shall continue to be the Election Auditor in respect of such Election until the whole Business of such Election shall be concluded, notwithstanding the subsequent Appointment of any other Person as Election Auditor; and every Election Auditor upon his Appointment shall make and sign before the Returning Officer the following Declaration:

'I [*A. B.*] do solemnly and sincerely promise and declare, 'That I will well and truly and faithfully, to the best of 'my Ability in all Things, perform my Duty as Election 'Auditor, according to the Provisions of "The Corrupt 'Practices Prevention Act, 1854."'

And every Election Auditor wilfully doing any Act whatever contrary to the true Intent and Meaning of such Declaration shall be deemed guilty of a Misdemeanor, and in *Scotland* of an Offence punishable with Fine and Imprisonment.

Bills, &c. to be sent in within One Month to Candidate or Right to recover barred.

XVI. All Persons, as well Agents as others, who shall have any Bills, Charges, or Claims upon any Candidate for or in respect of any Election shall send in such Bills, Charges, or Claims within One Month from the Day of the Declaration of the Election to such Candidate, or to some authorized Agent of such Candidate acting on his Behalf, otherwise such Persons shall be barred of their Right to recover such Claims, and every or any Part thereof: Provided always, that in case of the Death within the said Month of any Person claiming the Amount of such Bill, Charge, or Claim, the legal Representative of such Person shall send in such Bill, Charge, or Claim within One Month after obtaining Probate or Letters of Administration, or Confirmation as Executor, as the Case may be, or the Right to recover such Claim shall be barred as aforesaid.

Bills, &c. received within One Month to be sent in to Election Auditor.

XVII. Every Candidate shall, by himself or his Agent in that Behalf, within Three Months after the Day of the Declaration of the Election, or within Two Months after any Bill, Charge, or Claim has been sent in by the legal Representative of any deceased Creditor, as herein-before provided, send in to the Election Auditor for Payment all such Bills, Charges, or Claims (except as herein-after excepted) as have been sent in to such Candidate within the One Month herein-before specified from the Day of the Declaration of the Election, or after the granting of Probate or Letters of Administration, or Confirmation as Executor, as the Case may be: Provided always, that the Candidate shall, by himself or his Agent, as aforesaid, at the Time of his sending in any such Bill, Charge, or Claim, state to the Election Auditor whether he admits the whole Amount of such Bill, Charge, or Claim, or if not the whole then how much thereof, if any, he admits to be correct: Provided also, that in case of the wilful Default of the Candidate, by himself or his Agent as aforesaid, in sending in all such Bills, Charges, or Claims, or in making such Statement at the Time of sending in such Bills, Charges, or Claims, he shall be liable to a Penalty of Twenty Pounds, and to a further Penalty of Ten Pounds for every subsequent Week of wilful Default or Neglect in sending in all such Bills, Charges, or Claims, or in making such Statement, to be recovered by any Person who will sue for the same, together with full Costs of Suit: Provided always, that in case any such Candidate shall be absent from the United Kingdom at the Time of such Election, he shall send in to the Election Auditor for Payment any such Bills, Charges, or

Claims as aforesaid within One Month after his Return to the United Kingdom, which shall be of the same Force and Effect as if the same had been sent in as herein provided.

No Payments to be made except through Election Auditor.

XVIII. No Payment of any Bill, Charge, or Claim, or of any Money whatever, for or in respect of any Election, or the Expenses thereof, (except as herein excepted,) shall be made by or by the Authority of any Candidate, except by or through such Election Auditor, and any Payment made by or by the Authority of any Candidate otherwise than as herein provided shall be deemed and taken to be an illegal Payment, and upon Proof thereof such Candidate shall forfeit the Sum of Ten Pounds, with double the Amount of such illegal Payment, and full Costs of Suit, to any Person who will sue for the same: Provided always, that it shall be lawful for any Candidate, by himself or his Agent, to name any Banker through whom alone such Bills, Charges, or Claims, or Money, as aforesaid, shall be paid by the Election Auditor, and in that Case the Election Auditor shall pay such Bills, Charges, and Claims by Cheques drawn on such Banker, to be countersigned by the Candidate, or some Person on his Behalf specially appointed for that Purpose.

Tender and Payment into Court by Election Auditor.

XIX. If the Election Auditor, by the Authority of any Candidate, tenders or offers to pay any Sum in respect of any Bill, Charge, or Claim sent in as herein-before provided, such Tender shall be taken for all Purposes to be the Tender of such Candidate, and may, in any Action or other Proceeding brought against such Candidate to recover the Amount of such Bill, Charge, or Claim, be pleaded as such, or otherwise be made available according to the Proceedings of the Court in which such Action or other Proceeding is brought or carried on; and if such Plea is pleaded, or if it shall be deemed advisable for any other Reason to pay Money into Court in any Action or other Proceeding brought against a Candidate in respect of any Liability alleged to have been incurred by him at such Election, the Election Auditor may, at the Request of the Candidate, and by Leave of any One of the Judges of the Superior Courts of Common Law at *Westminster*, or of any One of the Judges of Her Majesty's Superior Courts at *Dublin*, or of any One of the Judges of the Court of Session in *Scotland*, as the Case may be, pay into Court the Sum required; and such Payment into Court by the Election Auditor shall, for the Purposes of such Action, be deemed and taken to be and may be pleaded as Payment into Court by the Candidate himself: Provided always, that on any Issue or Hearing in reference to any such Tender or Payment of Money into Court, it shall not be necessary to prove the Appointment of the Election Auditor.

Copy of Judgment and Statement of Payments made in satisfaction to be sent to Auditor.

XX. Nothing in this Act contained (except as herein specially provided) shall be taken to limit the Right of any Creditor to bring any Action or otherwise to proceed against a Candidate for or in respect of any Expenses connected with the Election; and if in any such Action or Proceeding final Judgment be obtained against the Candidate, such Candidate shall forthwith send to the Election Auditor a Copy or Certificate of such Judgment; and when and as the Monies recovered by the said Judgments, or any part thereof, shall be paid or satisfied by such Candidate, or shall be obtained under or by virtue of any Execution, the said Candidate shall thereupon forward to the Election Auditor a Statement of the Monies so paid or obtained in respect of such Judgment.

Consent of Auditor necessary before settling Action.

XXI. No Candidate shall be allowed to compound or settle any Action or other Proceeding brought against him in respect of any Expenses alleged to have been incurred by him in or about the Election, or to confess Judgment in such Action or Proceeding, without the Consent of the Election Auditor.

Candidate to pay personal Expenses and Expenses of advertising.

XXII. The personal Expenses of any Candidate, and the Expenses of advertising in Newspapers with reference to any Election, shall be defrayed by the Candidate himself, or by his Authority, but a full and true Account of the Sums so paid in respect of the said Advertisements shall, as soon as conveniently may be, be made out to the best of his Ability, and rendered to such Election Auditor by such Candidate, and the Amount of such Account shall be included in the general Account of the Expenses incurred at any Election to be made out and kept by such Election Auditor as herein-after provided.

Refreshments to Voters on the Days of Nomination or polling declared illegal.

XXIII. And whereas doubts have also arisen as to whether the giving of Refreshment to Voters on the Day of Nomination or Day of polling be or be not according to Law, and it is expedient that such Doubts should be removed: Be it declared and enacted, That the giving or causing to be given to any Voter on the Day of Nomination or Day of polling, on account of such Voter having polled or being about to poll, any Meat, Drink, or Entertainment by way of Refreshment, or any Money or Ticket to enable such Voter to obtain Refreshment, shall be deemed an illegal Act, and the Person so offending shall forfeit the Sum of Forty Shillings for each Offence, to any Person who shall sue for the same, together with full Costs of Suit.

No Person to pay Expenses of Elections, except to

XXIV. No Person shall pay or agree to pay any Expenses of any Election, or any Sum of Money whatever, in order or with a view to procure or promote the Election of any Person to serve in Parliament, save to the Candidate at such Election, or

Candidate or Election Auditor.

or to or under the Authority of the Election Auditor, other than as excepted and allowed by this Act; and every Person who shall pay or agree to pay any such Expenses or Money as aforesaid, save as aforesaid, shall become liable to a Penalty of Fifty Pounds, and of double the Money so paid or agreed to be paid, to be recovered in an Action of Debt by any one who shall sue for the same: Provided, that if upon the Trial of any Action to recover any such Penalty or Penalties it shall appear to the Judge who shall try the same that any such Payment shall have been made or agreed to be made without any corrupt or improper Intention, such Judge may, if he shall think fit, reduce such Penalty or Penalties to any Sum not less than Forty Shillings, and may also, if he shall think fit, direct that the Plaintiff shall not be entitled to Costs of such Action: Provided also that no Expenses of or relating to the Registration of Electors, and no Subscriptions or Contributions *bonâ fide* made to or for any public or charitable Purpose, shall be deemed Election Expenses within the Meaning of this Act: Provided also, that in any Action to recover any Penalty under this Act it shall be lawful to the Court in which such Action shall be brought, or any Judge thereof, if they or he shall think fit, to order that the Plaintiff in such Action shall give Security for Costs, or that all Proceedings therein shall be stayed.

Candidates and Agents may make Payments before Day of Election.

XXV. Any Candidate, and his Agents by him appointed in Writing, according to the Provisions of this Act, may, at any Time before the Day of Nomination, pay any lawful and reasonable Expenses in respect of the Election which he or they shall *bonâ fide* believe fit and proper to be paid, in ready Money, and the Payment of which cannot conveniently be postponed; provided, that the Candidate and his Agents shall, upon or before the Day of Nomination make out to the best of his Ability, and deliver to the Election Auditor, a full, true, and particular Account of all such Payments, with the Names of the Persons to whom they have been made, signed by such Candidate or his Agents respectively, and no Payment so made shall be a legal Payment within this Act unless such Account thereof shall be duly rendered to the Election Auditor.

Account of Election Expenses to be made out by Election Auditor.

XXVI. The Election Auditor shall, as soon as he conveniently can make out a full and true Account of all the Expenses incurred at the Election, specifying therein every Sum of Money paid to him or paid by him or by his Authority on behalf of each Candidate, and of all Sums claimed, although the same shall not have been allowed or paid, and every Sum which has been paid into Court as aforesaid or recovered by

Judgment against such Candidate, and to whom, by Name, such Payment was made, and for what particular Debt or Liabilty; and the Election Auditor shall include in such general Account the Amount of the Sums paid by each Candidate for Advertisements, and he shall specify therein the total Amount of Expenses incurred by each Candidate; and the Account, when so made out, shall be duly signed by him: Provided always, that, if it shall be found necessary, the Election Auditor may from Time to Time make out a supplementary Account or Accounts, which shall be made and abstracted in the Manner herein provided with reference to the first general Account.

Election Auditor to keep Accounts in some convenient Place which shall be open to Inspection.

XXVII. The Election Auditor shall keep all Accounts which shall come to his Hands in some fit and convenient Place, and shall, at all reasonable and convenient Times, submit the same to the Inspection of the Candidates and their Agents, and permit them to take Copies of the same or of any Part thereof, upon Request, and when such general Account as aforesaid shall be so made out and signed by him, he shall keep the same in some fit and convenient Place; and such general Accounts shall be open to the Inspection of any Person, and Copies thereof or of any Part thereof shall be furnished to any Person at all reasonable and convenient Times, upon Request, such Person paying a Fee, at the Rate of One Shilling for every Two hundred Words, to a Copying Clerk, for the same; and when the Election Auditor shall have concluded the Business of any Election he shall deliver over all Accounts in his Hands to the Clerk of the Peace in Counties, and to the Town Clerk or other Officer performing any of the Duties of Town Clerk in Cities and Boroughs, and to the Sheriff Clerk in Counties in *Scotland*, who shall allow them to be inspected by any Person, on the Payment of One Shilling, and shall furnish Copies of the same or of any Part thereof on the Payment of a Fee, at the Rate of one Shilling for every Two hundred Words, to the Copying Clerk, provided always, that for any Copy so furnished the Fee shall in no Instance be less than One Shilling, and shall deliver over to the Candidates respectively the Balance of all Monies, if any, and all Vouchers in his Hands, except any Vouchers appertaining personally to himself.

Election Auditor to publish Abstract of such Accounts.

XXVIII. The Election Auditor shall also, as soon as he conveniently can, insert or cause to be inserted an Abstract of such Account, signed by him, in some Newspaper published or circulating in the County or Place where such Election is held; and such Abstract of Account shall specify the Amount of each of such Bills, Charges, or Claims admitted to be correct,

rect, or claimed and objected to, and the Names of the Parties to whom the same shall have been paid or are due, or by whom the same have been claimed respectively.

Returning Officer to appoint new Election Auditor in case of Death, &c.

XXIX. In case the Person appointed to act as Election Auditor should, before his Duties herein mentioned are completed, die, resign, or become incapable of acting as such Election Auditor, it shall be lawful for the Returning Officer for the Time being to appoint some fit and proper Person to act as such Election Auditor in the room of the Person originally appointed as aforesaid for the Remainder of the then current Year of such Appointment; and the Returning Officer shall give public Notice of such Appointment in the County, City, or Borough.

Monies, &c. to be handed over to new Election Auditor.

XXX. All Monies, Bills, Papers and Documents of and relating to the Election which were in the Hands or under the Control of the Election Auditor going out of Office, dying, resigning, or becoming incapable of acting as aforesaid, except Receipts or Vouchers for Payments actually made by such Election Auditor, shall be handed over and transferred to the new Election Auditor appointed as herein-before mentioned; and such new Election Auditor shall in all respects, or as near thereto as may be, have the same Powers and act in the same Way as if he had been originally appointed previous to the Election: Provided always, that it shall be lawful for such new Election Auditor, at all reasonable Times, to have Access to and take Copies of or Extracts from the Receipts or Vouchers above excepted.

Appointment and Notification of Agents.

XXXI. Every Candidate shall, before or at the Nomination, or as soon after as conveniently may be, declare to the Election Auditor in Writing the Name or Names of his Agent or Agents for Election Expenses, who shall be appointed in Writing, and that he has not appointed and will not appoint any other Agent without in like Manner declaring the same to the Election Auditor, and no other than such Agents shall have Authority to expend any Money or incur any Expenses of or relating to the Election, in the Name or on the Behalf of the Candidate; and such Agents may pay any of the current Expenses of the Election necessary to be paid in ready Money, provided that such Agents shall make out, to the best of their Ability, and render, from Time to Time, true and particular Accounts to the Election Auditor of all such Payments; and every such Agent shall, as soon as conveniently may be after his Appointment as aforesaid, make and sign the following Declaration:

'I [*A.B.*], being appointed an Agent for Election Expenses
' by [*X.Y.*], a Candidate at this Election, do hereby
' solemnly and sincerely declare, That I have not knowingly
' made, authorized, or sanctioned, and that I will not know-
' ingly make, authorize, or sanction, any Payment on account
' of this Election, otherwise than through the Election Auditor,
' save as accepted and allowed by "The Corrupt Practices
' Prevention Act, 1854."'

Nomination of absent Candidates Expenses.

XXXII. In case any Person shall be proposed and seconded at any Election in his Absence, and without his previous Authority, it shall be lawful to the Persons proposing and seconding such Person to pay and agree to pay the lawful Expenses of the Election of such Person; and such Proposer and Seconder having agreed to pay such lawful Expenses shall become liable to pay the Fees hereby made payable to the Election Auditor, and pay any of the lawful Expenses of such Election, in like Manner and upon the same Terms and Conditions as herein provided concerning Agents for Election Expenses appointed in Writing by the Candidates.

Payments before passing of Act.

XXXIII. If any Candidate at any Election, or any Member hereafter returned to serve in Parliament, shall before the passing of this Act have paid any Money for or in respect of any Election hereafter to be held, or any Expenses thereof, such Person shall, to the best of his Ability, deliver a full, true, and particular Account of such Payment or Payments to the Election Auditor.

Election Auditor, how paid.

XXXIV. Every such Election Auditor shall be paid and be entitled to receive, by way of Remuneration to him for his Services in and about the Election, the Sum of Ten Pounds from each Candidate at the Election, as and by way of First Fee; and a further Commission, at the Rate of Two Pounds *per Centum*, from each Candidate upon every Payment made by him for or in respect of any Bill, Charge, or Claim sent in to such Election Auditor as herein-before provided; and the reasonable Expenses incurred by the Election Auditor in the Business of the Election and the Performance of his Duties pursuant to this Act shall form Part of the Election Expenses, and shall be paid rateably and proportionably by the Candidates respectively.

In Actions for Penalties, Parties, &c. to be competent Witnesses.

XXXV. On the Trial of any Action for Recovery of any pecuniary Penalty under this Act, the Parties to such Action, and the Husbands and Wives of such Parties respectively, shall be competent and compellable to give Evidence in the same Manner as Parties, and their Husbands and Wives, are competent and compellable to give Evidence in Actions and Suits under the Act of the Fourteenth and Fifteenth *Victoria*, Chapter Ninety-nine, and "The Evidence Amendment Act, 1853," but subject to and with the Exceptions contained in such several Acts: Provided always, that any such Evidence shall not thereafter be used in any Indictment or Criminal Proceeding under this Act against the party giving it.

Candidate declared guilty of Bribery incapable of being elected during Parliament then in existence.

XXXVI. If any Candidate at an Election for any County, City, or Borough shall be declared by any Election Committee guilty, by himself or his Agents, of Bribery, Treating, or undue Influence at such Election, such Candidate shall be incapable of being elected or sitting in Parliament for such County, City, or Borough during the Parliament then in existence.

Short Title.

XXXVII. In citing this Act in any Instrument, Document, or Proceeding, or for any Purpose whatsoever, it shall be sufficient to use the Expression "The Corrupt Practices Prevention Act, 1854."

Interpretation of Terms.

XXXVIII. Throughout this Act, in the Construction thereof, except there be something in the Subject or Context repugnant to such Construction, the Word "County" shall extend to and mean any County, Riding, Parts, or Division of a County, Stewartry, or combined Counties respectively returning a Member or Members to serve in Parliament; and the Words "City or Borough" shall mean any University, City, Borough, Town Corporate, County of a City, County of a Town, Cinque Port, District of Burghs, or other Place or Combination of Places (not being a County as herein-before defined) returning a Member or Members to serve in Parliament; and the Word "Election" shall mean the Election of any Member or Members to serve in Parliament; and the Words "Returning Officer" shall apply to any Person or Persons to whom, by virtue of his or their Office, under any Law, Custom, or Statute, the Execution of any Writ or Precept doth or shall belong for the Election of a Member or Members to serve in Parliament, by whatever Name or Title such Person or Persons may be called; and the Words "Revising Barrister" shall extend to and include an Assistant Barrister and Chairman presiding in any Court held for the Revision of the Lists of Voters, or his Deputy in *Ireland*, and a Sheriff or Sheriff's Court of Appeal in *Scotland*, and every other Person whose Duty it may be to hold a Court for the Revision and Correction of the Lists or Registers of Voters in any Part of the United Kingdom; and the Word "Voter" shall mean any Person who has or claims to have a Right to vote in the Election of a Member or Members to serve in Parliament; and the Words "Candidate at an Election" shall include all Persons elected as Members to serve in Parliament at such Election, and all Persons nominated as Candidates, or who shall have declared themselves Candidates at or before such Election; and the Words "Personal Expenses," as used herein with respect to the Expenditure of any Candidate in relation to any Election, shall include the reasonable Travelling Expenses of such Candidate, and the reasonable Expenses of his living at Hotels or elsewhere for the Purposes of and in relation to such Election.

Duration of Act.

XXXIX. This Act shall continue in force for one Year next after the passing thereof, and thenceforth to the End of the then next Session of Parliament.

The SCHEDULE A. above referred to.

Date of Act.	Title of Act.	Extent of Repeal.
7 W. 3. c. 4. A.D. 1695.	An Act for preventing Charge and Expense in Elections of Members to serve in Parliament.	The whole Act.
2 G. 2. c. 24. A.D. 1729.	An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament.	All the Act, except the 3d Section, prescribing the Oath to be taken by Returning Officers, and except so far as the Penalties and Provisions of the said Act are applicable to the false taking of such Oath, and the Neglect to take the same.
16 G. 2. c. 11.	An Act to explain and amend the Laws touching the Elections of Members to serve for the Commons in Parliament for that part of Great Britain called Scotland, and to restrain the Partiality and regulate the Conduct of Returning Officers at such Elections.	So much of the Act as is contained in the 33d Section.
43 G. 3. c. 74. A.D. 1803.	An Act for further regulating the Administration of the Oath or Affirmation required to be taken by Electors of Members to serve in Parliament by an Act passed in the Second Year of King George the Second, intituled "An Act for "the more effectual preventing "Bribery and Corruption in the "Election of Members to serve "in Parliament."	The whole Act.
49 G. 3. c. 118. A.D. 1809.	An Act for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining of Seats in Parliament by corrupt Practices.	The whole Act.

Date of Act.	Title of Act.	Extent of Repeal.
4 G. 4. c. 55. A. D. 1823.	An Act to consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament for Counties of Cities and Counties of Towns in Ireland.	So much of the Act as is contained in the 48th, 79th, and 81st Sections.
7 & 8 G. 4. c. 37. A.D. 1827.	An Act to make further Regulations for preventing corrupt Practices at Elections of Members to serve in Parliament, and for diminishing the Expense of such Elections.	The whole Act.
2 & 3 W. 4. c. 65. A.D. 1832.	An Act to amend the Representation of the People of Scotland.	So much of the 26th Section of the Act and the Schedule (K.) thereto annexed as relates to the Oath or Affirmation against Bribery to be put to any registered Voter at any Poll or Election.
2 & 3 W. 4. c. 88. A.D. 1832.	An Act to amend the Representation of the People of Ireland.	So much of the 54th Section of the Act as relates to administering the Oath or Affirmation against Bribery.
5 & 6 Vict. c. 102.	An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament.	So much of the Act as is contained in the 20th and 22d Sections.

SCHEDULE B.

No. 1.—*Proclamation to be used in Counties.*

Election of Knight, *&c.*

The Sheriff of the County of will, at the Day of now next ensuing, proceed to the Election of a Knight *or* Knights, Member *or* Members [*as the Case may be*] for the County *or* Division of a County [*as the Case may be*], at which Time and Place all Persons entitled to vote at the said Election are requested to give their Attendance.

And take notice, That all Persons who are guilty of Bribery at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Act, 1854."

And take notice, That all Persons who are guilty of Treating or undue Influence at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Prevention Act, 1854."

Signature of the proper Officer.

No. 2.—*Notice of Election in Boroughs.*

City or Borough of Day of

In pursuance of a Writ received by me for electing a Burgess *or* Burgesses [*as the Case may be*], to serve in Parliament for the City *or* Borough [*as the Case may be*], I do hereby give Notice, That I shall proceed to Election accordingly on the Day of at o'Clock in , when and where all Persons concerned are to give their Attendance.

And take notice, That all Persons who are guilty of Bribery at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Prevention Act, 1854."

And take notice, That all Persons who are guilty of Treating or undue Influence at the said Election will, on Conviction of such Offence, be liable to the Penalties mentioned in that Behalf in "The Corrupt Practices Prevention Act."

Signature of the proper Officer.

CAP. CIII.

CAP. CIII.

An Act to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in Ireland.—[10th August 1854.]

CAP. CIV.

An Act to amend and consolidate the Acts relating to Merchant Shipping.—[10th August 1854.]

CAP. CV.

An Act to amend the Laws relating to the Militia in England *and* Wales.—[11th August 1854.]

CAP. CVI.

An Act for amending the Laws relating to the Militia, and raising a Volunteer Militia Force in Scotland.—[11th August 1854.]

WHEREAS it is expedient to amend the Laws relating to the Militia in *Scotland*, and to make Provision for raising a Militia Force in *Scotland* by voluntary Enlistment: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Militia (*Scotland*) Act, 1854."

Short Title.

Appointment of Lieutenants, Deputy Lieutenants, and Officers.

II. In regard to the Appointment of Lieutenants and other Officers for the Purposes of the Militia in *Scotland*, the same shall be regulated as follows: It shall be lawful for Her Majesty from Time to Time to constitute and appoint Lieutenants for the several Counties in *Scotland*; and the said Lieutenants severally shall from Time to Time constitute and appoint such Persons as they shall think fit, being qualified as herein-after directed, and living within their respective Counties,

Her Majesty to appoint Lieutenants of Counties, who shall appoint Deputies, and Officers of Militia, whose Names and Ranks shall be certified to Her Majesty.

ties, to be their Deputy Lieutenants (the Names of such Persons having been first presented to and approved by Her Majesty); and the said Lieutenants shall, in Manner herein-after mentioned, also appoint such Colonels, Lieutenant Colonels, Majors, and other Officers to be hereafter made for the Militia of such County as may be authorized, and being qualified as herein-after directed.

Vice-Lieutenant, authorized by the Lieutenant, may, in his Illness, &c., grant Commissions and act as Lieutenant.

III. It shall be lawful for the Lieutenant of any County to constitute and appoint any One of the Deputy Lieutenants of such County to be Vice-Lieutenant thereof; and it shall be lawful for such Vice-Lieutenant, in any Case of the Illness or necessary Absence from such County of such Lieutenant, and being in the Case of such Absence authorised for that Purpose by the Lieutenant, to grant Commissions to Officers to serve in the Militia of such County, in like Manner as the Lieutenant thereof, and to do all Acts which might lawfully be done by the Lieutenant, and the same shall be good and valid in Law as if done by or to the Lieutenant himself.

Three Deputy Lieutenants may be authorized to act when the Lieutenant shall be out of the Kingdom, or where there shall be none.

IV. When the Lieutenant of any County shall be out of the Kingdom of *Great Britain*, or when there shall be no Lieutenant, it shall be lawful for Her Majesty to authorize any Three Deputy Lieutenants of such County to grant Commissions to Officers to serve in the Militia for such County, in such Manner as such Lieutenant could do, and to do all other Acts which might lawfully have been done by the said Lieutenant, and the same shall be good and valid in the Law as if done by or to the said Lieutenant himself.

Commissions not to be vacated by the Revocation of the Power of the Grantor.

V. No Commission of any Deputy Lieutenant, nor any Commission of any Officer in the Militia to be henceforth granted by any Lieutenant, Vice-Lieutenant, or Deputy-Lieutenants, shall be vacated by reason of the Revocation, Expiration, or Discontinuance of the Commission by which any such Lieutenant, Vice-Lieutenant, or Deputy Lieutenants as aforesaid was or were appointed.

Qualifications of Deputy Lieutenants and Officers.

Qualifications of Vice-Lieutenants, Deputy Lieutenants, and Officers, except within the City of Edinburgh.

VI. All Persons to be hereafter appointed Deputy Lieutenants or Officers of the Militia (except within the City of *Edinburgh* and its Liberties) shall be qualified as follows; (that is to say,) every Person so to be appointed a Deputy Lieutenant shall be in possession, either in his own Right or in right of his Wife, of a Real Estate in Property in the United Kingdom of Three hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate; and every Person so to be appointed a Colonel shall be in possession in like Manner of a like

Estate as aforesaid of Six hundred Pounds Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate; and every Person so to be appointed a Lieutenant Colonel shall be in possession in like Manner of a like Estate as aforesaid of Four hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate; and every Person so to be appointed a Major or a Captain shall be in possession in like Manner of a like Estate as aforesaid of Three hundred Pounds of Real Rent, or shall be Heir Apparent of some Person who shall be in possession in like Manner of a like Estate, or shall be a younger Son of some Person who shall be or at the Time of his Death was in possession in like Manner of a like Estate; of which said Estates required as Qualifications for Deputy Lieutenants, Colonels, Lieutenant Colonels, Majors, and Captains respectively, it shall not be necessary that any Portion shall be situate or arising within the respective Counties in which they shall be appointed to serve, or within *Scotland*.

Qualifications within the City and County of the City of Edinburgh.

VII. Within the City and County of *Edinburgh* and Liberties thereof the Lieutenant of the said City, or where there is no Lieutenant appointed then the Chief Magistrate thereof, shall appoint the Deputy Lieutenants within the said City; and shall also appoint Officers of the Militia, whose Number and Rank shall be proportionable to the Number of Militia Men which the said City shall raise as its Quota towards the Militia of the County to which the said City may be united for the Purposes aforesaid, and Provisions made by this Act with respect to the Counties at large and the Militia thereof shall take place and be in force with respect to the said City and its Liberties and the Militia thereof; and the Qualifications of Deputy Lieutenants and Officers of the Militia of such City and its Liberties shall be as follows: Every Deputy Lieutenant shall be in possession, either in his own Right or in right of his Wife, of a Real Estate in Property within the said City and Liberties thereof of One hundred Pounds of Real Rent; and every Lieutenant Colonel shall be in possession in like Manner of a like Estate as aforesaid of Two hundred Pounds of Real Rent; and every Major or Captain shall be in possession in like Manner of a like Estate as aforesaid of One hundred Pounds of Real Rent: Saving always and reserving to the Royal College of Surgeons in *Edinburgh* all Rights, Immunities, Privileges, and Exemptions of which the said College may have been and still are in the lawful Possession, and the Benefit of any Act or Acts of Parliament passed heretofore in their Favour.

VIII. Where

The Lieutenant, with the Approbation of Her Majesty, may appoint the Provost of any Royal Burgh, or Three resident Persons to be Deputies of the Subdivision.

VIII. Where it shall appear necessary to any Lieutenant of a County that a Deputy Lieutenant or Deputy Lieutenants should be resident in any Royal Burgh within the County of which he is Lieutenant, it shall be lawful for such Lieutenant, with the Approbation of Her Majesty, to appoint the Provost of such Burgh for the Time being, or any Persons not being more than Three, resident in such Burgh, who shall be respectively in possession of a Real Estate in Property within such Burgh of One hundred Pounds of Real Rent, to be Deputy Lieutenant or Deputy Lieutenants of the Subdivision of such County within which such Burgh is situated.

Qualification of Deputy Lieutenant or Officer may arise from Personal Estate.

IX. For the Purpose of the Qualification of any Deputy Lieutenant and of any Officer in the Militia, a clear yearly Income arising from any Personal Estate within the United Kingdom of *Great Britain* and *Ireland*, of or to which Personal Estate and the yearly Income thereof such Deputy Lieutenant or Officer, or the Wife of such Deputy Lieutenant or Officer, is possessed or entitled for his or her own Use and Benefit, shall be deemed equivalent to an Estate in Lands or other Heritage within the United Kingdom, or, in the Case of the City of *Edinburgh*, or Burghs within the City or Burgh respectively, of the same Amount of Real Rent, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly.

Persons holding certain Military Ranks may be appointed Field Officers, though not possessed of Property Qualifications.

X. Officers of the Regular Army, the Marines, or *East India* Company's Service, who have served Five Years in the Regular Army or *East India* Company's Service, shall be admissible as Captains into the Militia Force without any Qualification; and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any such Qualification, be appointed a Lieutenant Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

No qualification required under Rank of Captain.

XI. No Property or other Qualification shall be required in the Case of Persons to be appointed Officers in the Militia, save as respects Appointments to the Rank of Captain or any higher Rank.

General Meetings of Lieutenancy.

General Meetings of Lieutenancy to be held only in certain Cases.

XII. No General Meeting of Lieutenancy shall be held in any County under the Powers of the Militia Acts, except when called under the Authority of One of Her Majesty's Principal Secretaries of State.

Mode

Mode of Appointment and Rank of Officers.

XIII. It shall be lawful for one of her Majesty's Principal Secretaries of State from Time to Time to make Regulations limiting the Ages at which Persons may be appointed Officers of the several Ranks in the Militia, and for securing the Appointment of Persons as such Officers who are qualified to discharge the Duties of Officers of their respective Ranks, and also for that Purpose to prescribe by such Regulations any Conditions, as to Drill, Training, and Exercise, or otherwise, under or subject to which any such Appointment shall be made.

Secretary of State may make Regulations as to Appointment of Officers.

XIV. All Officers now holding Commissions in the Regular Militia may, subject to such Regulations as may hereafter be made by the Secretary of State, continue to hold such Commissions in the Militia to be raised under this Act, and to rank in the Militia Service according to the Dates of the Commissions now held by them respectively; and all Officers now holding such Commissions as aforesaid who shall not be so continued under this Act shall, notwithstanding, continue to hold their present Titles and Ranks as Officers of the Militia; and nothing herein contained shall extend to deprive such Officers not so continued of any Allowances to which they may now be entitled in respect of having held Commissions in the Militia when the same was last disembodied, or otherwise in respect of past Services, or to affect the Provisions authorizing the Grant of any retired or other Allowances to such Officers in respect of having held Commissions or of past Services as aforesaid.

Existing Officers who are qualified for Service may continue.

Officers not so continued shall retain their Ranks.

XV. Every Officer of any Militia Regiment or Battalion who may have accepted or shall accept a Commission or Appointment of the same Rank in any other Militia Regiment or Battalion, and shall thereby vacate his former Commission, shall continue to rank in the general Service according to the Date of his Commission or Appointment of the same Rank in the Militia so vacated as aforesaid.

Rank of Officers accepting Commissions in other Regiments.

XVI. The different Field Officers commanding Battalions shall be appointed as follows: Where Two or more Counties are joined together to form a Battalion, the Lieutenant Colonel shall be appointed by the Lieutenant of the County furnishing the greatest Number of Private Men, and the Major shall be appointed by the Lieutenant of the County furnishing the next greatest Number; and where One County of itself forms One Battalion, then the Lieutenant Colonel and Major shall be appointed by the Lieutenant of the County forming such Battalion: Provided always, that when the Appointment of a Colonel shall be authorized, such Appointment shall be made

How the Field Officers shall be appointed.

As to a County not furnishing

sufficient Men for a Company.

made by the Lieutenant entitled to appoint the Lieutenant Colonel: Provided further, that where any County does not furnish Men sufficient to form a Company, the Lieutenant of such County shall not appoint any of the Field Officers.

Where Commandant shall be absent from Great Britain, Her Majesty may direct the Officer next in Command to act for him, who shall be vested with the same Powers till the Commandant shall return, and notify his Arrival.

Orders given by the Commandant, &c. for Clothing or Accoutrements shall be completed, and the Money paid to his Order, though he may leave Great Britain.

XVII. When any Colonel or other Commandant of any Regiment or Battalion of Militia shall be absent from *Great Britain*, and until he shall return to *Great Britain*, and shall have notified his Arrival to the Clerk of the General Meeting of Lieutenancy of the District to which such Regiment or Battalion shall belong, and to the Commanding Officer and Adjutant thereof, it shall be lawful for Her Majesty, by Warrant under her Sign Manual, to direct and order that the Officer next in command, who shall be residing in *Great Britain*, shall in all Cases act and serve as the Commandant of such Regiment or Battalion; and such Officer shall thereupon exercise all Powers and Rights and perform all Duties which might or ought to be performed or exercised by such Colonel or other Commandant as aforesaid, as fully and to the same Effect as he might have done if resident, and shall be subject to the same Responsibility in so acting as such Colonel or other Commandant would have been: Provided always, that such Officer so next in Command as aforesaid who shall assume the Powers so given to him as aforesaid, in consequence of the Absence from *Great Britain* of his Colonel or other Commandant, shall within Seven Days after he shall assume any such Powers notify the Absence from *Great Britain* of such Colonel or other Commandant to the Lieutenant of the County, and also, when the Regiment or Battalion shall be in actual Service, to the Secretary-at-War; provided also, that any Order, for Clothing or other Necessaries, or for Accoutrements, being given by proper Authority at the Time for the Use of the Regiment or Battalion, shall be completed, and the Money to be issued in respect thereof shall be paid to the Order of the Officer who gave the same, notwithstanding the Absence or Return of the Colonel or other Commandant as aforesaid.

How the Captains and Subalterns shall be appointed.

XVIII. The Captains and Subalterns of Companies shall be appointed as follows: Where the Men furnished by Three or more Counties only form One Company, the Lieutenant of the County furnishing the greatest fractional Part of a Company shall appoint the Captain, the Lieutenant of the County furnishing the next greatest fractional Part of a Company shall appoint the Lieutenant, and the Lieutenant of the County furnishing the next greatest fractional Part of a Company shall appoint the Ensign; and where the Men furnished by Two Counties only form One Company, the Lieutenant of the County furnishing the largest fractional Part of such Company shall appoint the Captain, and the Lieutenant of the other County shall appoint the Lieutenant and Ensign; and where any County shall furnish Men sufficient for One or more complete Company or Companies, the Captains, Lieutenants, and Ensigns of such Company or Companies shall be appointed by the Lieutenant of such County.

Her Majesty may direct Supernumerary Officers to be appointed to Men trained for the Service of Artillery.

XIX. If Her Majesty shall at any Time direct that any Proportion of the said Militia shall be trained and exercised to the Service of any Artillery that may be attached to any Regiment or Battalion of Militia, it shall be lawful for Her Majesty to direct that a Supernumerary Officer or Officers of the said Regiment or Battalion of such Rank as Her Majesty shall order, and being duly qualified as aforesaid, shall be appointed to and for the said Men so directed to be trained and exercised as aforesaid.

The Lieutenant authorized to name the Colonel may, with the Approbation of Her Majesty, appoint a Surgeon.

XX. It shall be lawful for the Lieutenant of the County, who is authorized by this Act to name the Lieutenant Colonel of any Regiment or Battalion of Militia, with the Approbation of Her Majesty, to appoint One fit and proper Person, who shall possess a Diploma, Certificate, or Qualification which is held to qualify such Person to act as Surgeon or Assistant Surgeon in the Army, to be Surgeon of such Regiment or Battalion; and every such Appointment shall recite the Diploma or Certificate of the Person so appointed, and an attested Copy thereof shall be transmitted to and deposited with the Clerk of the General Meetings of Lieutenancy; and every such Surgeon so appointed as aforesaid shall, during the Time of the Militia to which he shall belong being embodied, be subject to the like Rules, Restrictions, and Directions in every respect as a Surgeon of Infantry in Her Majesty's other Forces, as far as the same may be applicable; and no such Surgeon shall be capable of holding any other Commission in such Militia during the Time of his being such Surgeon as aforesaid.

Her Majesty to appoint Adjutants from the Army or Militia, who shall preserve their Rank in the Army, and may be appointed to the Rank of Captain.

XXI. Her Majesty may and shall appoint One proper Person, who shall have served in some of Her Majesty's other Forces, or in the Militia of *England* or of *Scotland*, while embodied, for the Term of Five Years at the least, to be an Adjutant to each Regiment or Battalion of Militia; and such Adjutant, if appointed out of Her Majesty's other Forces, shall, during his Service in the Militia, preserve his Rank in the Army in the same Manner as if he had continued in that Service; and it shall be lawful for the Lieutenant of any County, on the Recommendation of the Colonel or other Commandant of any Regiment or Battalion of Militia, to appoint the Adjutant of such Regiment or Battalion to serve with the

Rank of Captain, although such Adjutant may not have the Qualification required by this Act for Captains: Provided always, that no such Appointment to the Rank of Captain shall be valid unless in the Instrument granting the same it be specified in what Regiment or Battalion of the Militia while embodied, or of Her Majesty's other Forces, such Adjutant hath served for the Period aforesaid, and what was or were the Date or Dates of his Commission or Commissions: Provided also, that no Adjutant so appointed to serve with the Rank of Captain shall, by virtue of the Date of such Appointment as aforesaid, or otherwise, be entitled to rank above or to command any Captain of a Company in the Militia: Provided further, that no such Adjutant shall, by reason of any such Appointment as aforesaid, be entitled to receive any greater or other Pay than that of Adjutant.

Her Majesty to appoint Quartermasters, &c., and Colonels to appoint Corporals and Drummers. Colonel may appoint Drum Major.

XXII. It shall be lawful for Her Majesty to appoint from Time to Time such Persons as to Her Majesty may seem proper to be Quartermasters, Paymasters, Sergeant Majors, and Sergeants of the Militia; and Corporals and Drummers of the Militia shall be appointed by the Colonel or other Commandant of each Regiment or Battalion in such Proportions as Her Majesty may direct; and the Colonel or other Commandant of every Regiment or Battalion in actual Service may appoint a Drum Major; and all Sergeants, Corporals, and Drummers, having received any Pay as such from any Regiment or Battalion, shall be deemed to be engaged and compellable to serve in such Regiment or Battalion until they shall be legally discharged; and any Sergeant, Corporal, or Drummer may be discharged by the Colonel or other Commandant: Provided always, that while any Regiment, Battalion, or Corps of Militia is drawn out and embodied, it shall be lawful for the Colonel or Commanding Officer of such Regiment, Battalion, or Corps to appoint from Time to Time the Sergeant Major and Sergeants of such Regiment, Battalion, or Corps, as Occasion may require, for supplying any Vacancy or Vacancies, or completing the full Number of such Sergeants; provided also, that no Person who shall keep any House of public Entertainment, or who shall sell any Ale or Wine, or any Brandy or other Spirituous Liquors, by Retail, shall be capable of being appointed or of serving or receiving Pay as a Sergeant, Corporal, or Drummer in the Militia.

While Militia is embodied, Colonels to appoint Sergeants; but no Publican shall be a Sergeant, Corporal, or Drummer.

No Adjutant, &c. to be appointed Captain of a Company.

XXIII. No Adjutant, Paymaster, or Quartermaster in the Militia shall be capable of being appointed Captain of a Company, nor shall any Person holding the Commission of Captain of a Company be capable of being appointed Adjutant, Paymaster, or Quartermaster of Militia.

XXIV. In case Her Majesty's Lieutenant for any County, or the Colonel or Commandant of any Regiment or Battalion of Militia shall be desirous of keeping up a greater Number of Drummers than is herein directed to be employed as Fifers or Musicians for the Use of any such Regiment or Battalion, and shall be willing to defray the Expense of such additional Drummers, it shall and may be lawful for such Lieutenant or Colonel or other Commandant to engage and retain in their respective Regiments or Battalions any Number of the Drummers employed or to be employed over and above the Number established by this Act, to act as Fifers or Musicians in their respective Regiments or Battalions; and all such Drummers so engaged or retained to serve in any such Regiment or Battalion as Fifers or Musicians shall be deemed as Drummers of Militia within the Meaning of this Act, to all Intents and Purposes whatsoever, and shall be subject to the same Orders, Regulations, Penalties, and Punishments as other Drummers of Militia are by this Act subject, and shall continue to serve as Drummers as long as they shall receive from the Lieutenant of the County or Colonel or Commandant by whom they were appointed the same Pay and Clothing as other Drummers have, or better Clothing in lieu thereof, and no longer.

Extra Drummers may be kept as Fifers or Musicians, at the Expense of the Regiment.

XXV. All Persons, on their first entering the Militia, whether as Sergeants, Corporals, Drummers, or Private Militia Men, shall, on their so entering the Militia, and previous to their being enrolled therein, taking the following Oath; (that is to say,)

Oath to be taken by Persons entering Militia.

'I A. B. do solemnly promise and swear; that I will be faith-
'ful to her Majesty Queen Victoria, Her Heirs and Suc-
'cessors, and that I will faithfully serve in the Militia in any
'Part of Great Britain or Ireland, for the Defence of the same,
'until I shall be discharged.'

And it shall be lawful for any One Deputy Lieutenant or Justice of the Peace or Commissioned Officer of the Regiment to administer the said Oath.

Raising of Men for the Militia.

XXVI. And in regard to the raising of Men for the Militia, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to raise and from Time to Time to keep up any Number not exceeding Ten Thousand Private Militia Men, to serve for the several Counties in *Scotland*.

Number of Militia to be raised.

XXVII. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, forthwith after the passing of this Act, and afterwards from Time to Time as Occasion may appear to Her

Quotas of Counties to be fixed by Order in Council.

Her Majesty to require, to ascertain and fix the Number of Militia Men who shall serve for each County, and the Numbers so fixed as aforesaid shall be transmitted to the respective Lieutenants of the said Counties from Time to Time, and Notice of the same shall be published in the "*Edinburgh Gazette*," and the Numbers so from Time to Time appointed by Her Majesty shall be the Quotas of the several Counties and Places until other Quotas are appointed in like Manner.

Her Majesty may direct into what Regiments, &c. Militia shall be formed, and with what Officers and Staff.

XXVIII. It shall be lawful for Her Majesty, by Order signified by One of Her Principal Secretaries of State, from Time to Time to direct the Lieutenants to form the Militia of their several Counties into such Companies, Regiments, Battalions, or Corps as to Her Majesty may seem fit, and to direct what Number of Officers and of what respective Ranks, shall be appointed thereto, and what shall constitute the Staff thereof; and where the Number of Militia Men required to be raised for any County appears to Her Majesty insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, to direct the Militia of such County to be united with the Militia of any County or Counties adjoining.

Militia Men to be raised by voluntary Enlistment.

XXIX. For the Purpose of raising the Number of Men required to be raised under this Act, the Lieutenants of the several Counties shall, in the Year One thousand eight hundred and fifty-four, as soon as conveniently may be after the passing of this Act, and in the Year One thousand eight hundred and fifty-five at such Time as Her Majesty shall, by Order made with the Advice of Her Privy Council, appoint for that Purpose, direct the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties, without Delay, to proceed to raise and enrol Volunteers to serve for the Term of Five Years in the Militia of such Counties or Places, not exceeding the Numbers of Men authorized by Order in Council to be therein raised for the Time being, and such Colonels or Commanding Officers, and the Commissioned and Non-commissioned Officers of the Militia duly authorized by such Colonels or Commanding Officers, shall forthwith proceed to raise, by Beat of Drum or otherwise, such Volunteers, being resident in the County in which such Men are directed to be raised, or in any County immediately adjoining thereto, and being able-bodied Men between such Ages and of such Height as shall be from Time to Time fixed by Regulations made by Her Majesty's Secretary-at-War as herein provided, and for such Bounties or other Payments as shall be from Time to Time authorized by such Regulations; and the Deputy Lieutenants of Counties shall severally aid the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties in raising and enrolling Volunteers for such Militia in the several Parishes where such Deputy Lieutenants may be resident, and otherwise as the Lieutenants of such Counties may from Time to Time direct, but no General or Subdivision Meeting shall be holden for that Purpose unless such Meeting be convened pursuant to any special Order made by One of Her Majesty's Principal Secretaries of State.

The Number not raised by Enlistment in any County may be authorized to be raised by Enlistment as a supplemental Corps in another County.

XXX. Provided always, That where the Number of Men for the Time being required to be raised under this Act for any County has not been raised by voluntary Enlistment, it shall be lawful for her Majesty, if it appear to Her advisable so to do, by Order signed by One of Her Principal Secretaries of State, to authorize and direct all or any Part of such Number of Men as shall be deficient to be raised by voluntary Enlistment in any County in which the full Quota may have been raised and kept up.

Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.

XXXI. The Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia shall from Time to Time, and so long before the Expiration of the respective Terms of Service of the Militia Men belonging to their respective Regiments, Battalions, or Corps as shall be directed by Regulations to be made by the Secretary-at-War, raise and enrol or cause to be raised and enrolled Volunteers to supply the Places of such Militia Men; and such Colonels or Commanding Officers shall from Time to Time, subject to any Regulations to be so made, raise and enrol or cause to be raised and enrolled Volunteers for supplying casual Vacancies by reason of Militia Men dying before the Expiration of their Term of Service, or being promoted to be Non-commissioned Officers or Drummers (except where they are so promoted in the Room of Non-commissioned Officers or Drummers reduced to the Ranks), or being discharged as unfit for Service, or in pursuance of the Sentence of a Court-martial, or having deserted, and the Deputy Lieutenants of each County shall give Assistance as aforesaid in raising such Volunteers.

Volunteers to be sworn and enrolled.

XXXII. Every Volunteer so raised as aforesaid shall, when he has been examined and approved according to such Regulations as shall be made by the Secretary-at-War, and shall have taken the Oath herein-before directed to be taken, be enrolled in a Roll to be prepared and kept by or under the Direction of the Colonel or Commanding Officer, to serve in the Militia for the County or Place for which he is raised, as a Militia Man, for the Space of Five Years.

Secretary-at-War may make

XXXIII. It shall be lawful for Her Majesty's Secretary-at-War from Time to Time to make Regulations as to the Amount of

Regulations for Bounties, and Age, Height, &c. of Men.

of the Sums to be paid to Volunteers under this Act by way of Bounty or periodical Payment or Allowance in consideration of their enlisting in the Militia (such Bounty in no Case to exceed Six Pounds, and such periodical Payment or Allowance in no Case to exceed after the Rate of Two Shillings *per* Month during the Term of Service for which the Volunteer is enrolled), and as to the Time or respective Times, Conditions, and Manner of the Payment thereof, and as to the Ages between which Men may be received as such Volunteers, and as to the Height and for the Examination and Approval by Medical Men of all Men to be raised for the Militia under this Act, and as to all other Matters which, under the Provisions herein contained, are made subject to Regulations to be made by such Secretary-at-War.

Regulations to be laid before Parliament.

XXXIV. All Regulations made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting then within Twenty-one Days after the next Meeting of Parliament.

Regulations for keeping of Arms and Stores.

Arms, &c. to be kept in a Place appointed by the Commandant, with the Approbation of the County Lieutenant, to be under the Care of the Quartermaster.

XXXV. And in regard to the keeping of Arms and Stores, the Arms, Accoutrements, Clothing, and other Stores belonging to every Regiment, Battalion, or Corps of Militia, when not embodied, shall be kept in such convenient Place as the Colonel or Commandant shall direct, with the Approbation of the Lieutenant of the County; and the Quartermaster to such Regiment, Battalion, or Corps of Militia shall have the Charge and Care of such Arms, Accoutrements, Clothing, and other Stores, under the Superintendence of the Colonel or other Commandant.

Place for Militia Storehouse to be provided.

XXXVI. If such fit and convenient Place has not been provided, or is or may become from any Cause insecure, insufficient, or unfit for the safe Custody of such Arms, Accoutrements, Clothing, or other Stores, or in case the Public Service or Convenience require the Site of the same to be changed, the Commissioners of Supply of the County within which such Arms and Stores shall be directed to be kept, at the First General Meeting which shall be held after the Representation of the Lieutenant of such County, and of the Colonel or Commandant of such Regiment, Battalion, or Corps, that no such Place has been provided, or that the Place provided is insecure, insufficient, or unfit, or in case the Public Service or Convenience require the Site of the same to be changed being duly satisfied thereof, may and are hereby required to provide a secure and suitable Place for that Purpose, and to that end may, in their Discretion, from Time to Time resolve either to purchase or hire any suitable Buildings or Premises, and, if necessary, to enlarge, alter, or improve the same, or from Time to Time to enlarge, alter, or repair any Buildings or Premises already purchased or hired, or to purchase or take on Lease for any Term not less than Sixty Years any Portion of Land for the Purpose of building and to build or rebuild thereupon secure and suitable Buildings and Premises for the Purpose aforesaid; and with reference to any such Purchase as is hereby authorized, the Clauses and Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase of Lands by Agreement, shall be incorporated with this Act; and the Words "Promoters of the Undertaking" in those Clauses shall mean the Persons by this Act authorized to purchase Land, and the Word "Undertaking" shall mean the building or rebuilding, enlarging or altering of a Place for Militia Stores: Provided always, that the Place to be so hired, purchased, built, altered, or enlarged shall contain an Orderly and Guard Room, and a Magazine; and there shall also be provided a suitable Yard or Place wherein the Men may be mustered for the Issue and Return of such Arms, Accoutrements, Clothing, and other Stores: Provided always, that it shall be lawful at any Time for the said Commissioners assembled as aforesaid to provide such Quarters for the Permanent Staff as may appear to them desirable, together with Cells and such convenient Premises as may be necessary for the safe Custody of the Stores; and no Place provided for the keeping of Militia Stores under this or any former Act, nor any Buildings or Premises appurtenant thereto, shall be liable to be valued or assessed to any County, Burgh, Parochial, or other Local Rates or Assessments.

Expense of Storehouse, how to be provided for.

XXXVII. The Sums that may be required for the Hire, Purchase, Enlargement, Alteration, Building of or Additions to any such Place, in case the same shall be approved by the said Lieutenant and Colonel or Commandant, together with the Cost of Fuel and other necessary Expenses incidental to the Use and Maintenance of the Premises, shall be certified by the Lieutenant of the County to the Clerk or Clerks of Supply of each County contributing to the Regiment, Battalion, or Corps; and such Certificate shall be laid by such Clerk before the First Meeting of the Commissioners of Supply which shall thereafter be held in each County, and such Meeting shall raise the Sum so certified, or, in the Case of Two or more Counties so contributing, a Proportion of the Sum so certified corresponding to the Proportion of the Real Rent of such County to the Real Rent of the whole of the Counties so contributing,

tributing, including the Burghs within the same, and that by Assessment, to be laid on and recovered by the said Commissioners, in like Manner and subject to like Provisions as Assessments for local Prison Purposes are laid on and recovered by the Prison Board in Counties in *Scotland*, and the said Commissioners shall for that Purpose have all the Powers which the General and County Prison Boards have by Law for the apportioning between the County and the Burghs within the same, and the raising of such Assessments, and the borrowing of Money on the Credit thereof, subject to the Provisions of this Act: Provided always, that on such fitting Place being duly provided, the Parties in whom any Place formerly used for such Purposes was vested for such Purposes shall sell the same or their Interest therein, and pay over the Proceeds to the Commissioners of Supply of such County or Counties in the Proportion of the Sums raised by each, and the same shall be applied in diminution of any future Assessment on Real Rent for Prison Purposes in such Counties.

Commissioners may raise Sums required by Assessment or by borrowing.

XXXVIII. It shall be lawful for the Commissioners of Supply either to raise the whole of the Sums which they may be required to raise at any one Time under this Act, whatever be the Amount of such Sums, by Assessment at once, or to borrow the whole or any Part thereof, on the Security of the Assessments, on such Terms that the whole Sum borrowed shall be paid off by equal annual Instalments within Thirty Years at furthest from the Date of borrowing, and the necessary Bonds therefor shall be signed by the Chairman and any Two of the Commissioners present at the Meeting at which it was resolved so to borrow, and the Creditors in such Bonds shall have like Powers for enforcing Payment of the Principal and Interest thereof, as the same shall fall due, as are given by this Act to the Lord Advocate, on being authorized by the Secretary-at-War, for enforcing the raising of Assessments.

Apportionment of Assessment on Burghs.

XXXIX. In the Case of Burghs contributing to the Assessment for Prison Purposes separately from the Landward Part of the County in which they are situated, the Portion of the Assessment to be levied under this Act payable by such Burghs shall be apportioned by the Commissioners of Supply of such County in accordance with the Proportion of the Real Rent of each such Burgh to the Real Rent of the whole County; and in the event of Dissatisfaction with such Apportionment it shall be lawful for the Magistrates of such Burgh to apply by summary Petition to the Sheriff of the County, whose Decision thereon shall be final.

Power to Queen's Advocate

XL. It shall be lawful for Her Majesty's Advocate for *Scotland*, on being authorized to that Effect by the Secretary-at-

War, to exercise, for compelling the raising and Application of Assessments under this Act, all the Powers which the General Board of Prisons in *Scotland* may by Law exercise for compelling the raising of Assessments for Prison Purposes.

to raise and apply Assessments.

XLI. All Conveyances, Leases, Bonds, Contracts, Receipts, and other Deeds and Instruments made for the Purpose of carrying into effect the Provisions of this Act shall be exempt from Stamp Duty.

Conveyances, &c. exempt from Stamp Duty.

XLII. If any Clerk of Supply shall refuse or wilfully neglect to receive or present any Certificates under this Act which he is herein-before directed to receive or present, according to the Directions and true Meaning of this Act, every such Clerk of Supply so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Penalty for Neglect of Duty in Clerks of Supply.

Regulations for Training and Exercise.

XLIII. It shall be lawful for the Lieutenants of the several Counties, with the Approbation of One of Her Majesty's Principal Secretaries of State, to take on Lease or Hire, for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of such Counties, and the Expense thereof shall be paid by the Secretary-at-War.

Lieutenants, with Approbation of a Secretary of State, to provide Places for Exercise.

XLIV. The Times and Places of Exercise of the Militia Men to be raised by virtue of this Act shall be appointed, with the Approbation of Her Majesty, by the Lieutenant of the County furnishing the whole or the greater Part of the Militia Men of each Regiment; and Notice of such Times and Places shall be sent by Order of the Colonel or other Commandant of the Regiment by Post to the Residences of the several Men as stated in their Attestations or as subsequently notified by them, and also to the Parochial Schoolmasters and Inspectors of the Poor within the respective Parishes or other Divisions of the County or Counties contributing Men to such Regiment; and such Schoolmasters or Inspectors shall, subject to a Penalty of Twenty Pounds, cause such Notice as aforesaid to be affixed within Two Days of Receipt thereof on the Doors of all the Churches or Chapels within their respective Parishes or Places, which Notice shall be deemed a sufficient Notice to every Person enrolled by virtue of this Act, notwithstanding any Omission in the Delivery of written Notices; and all such Militia Men shall duly attend at the Time and Place of Exercise according to such Notices.

Regulations for sending Notice of the Times and Place of Exercise.

XLV. The Period of Training and Exercise shall, save as herein-after provided, be Twenty-one Days in every Year;

Her Majesty may cause Militia to be called out for Training more than once in a Year.

and Her Majesty may, if She see fit, direct all or any Part of the Militia of any County to be called out for Training and Exercise more than once in every or any Year, and at such Time or Times as Her Majesty may think fit, so as the whole Period of Training and Exercise of any Militia Man do not exceed Twenty-one Days in any Year, save as herein-after provided.

Secretary of State may cause Militia to be exercised out of their own Counties, and Her Majesty may extend or reduce the Period of Exercise.

XLVI. It shall be lawful for the Secretary of State at any Time to move any Regiment of Militia not embodied out of their own respective Counties into any Quarters in any Part of the United Kingdom during the Period of their Training; and it shall be lawful for Her Majesty, where, with the Advice of Her Privy Council, She may see fit so to do, to extend or reduce the Period of Training and Exercise of all or any Part of the Militia, so that the whole Period of Training and Exercise in any Year shall not exceed Fifty-six Days nor be less than Three Days, and no fresh Notice shall be necessary where such Extension or Reduction is made during the Time of actual Training.

Regulations for embodying Militia.

In Cases of actual Invasion, Rebellion, &c., Her Majesty may order the Militia to be embodied, and put under the Command of General Officers, &c., and led by their respective Officers into any Part of Great Britain.

XLVII. In all Cases of actual Invasion, or upon imminent Danger thereof, and in all Cases of Foreign War, or of Rebellion or Insurrection, it shall be lawful for Her Majesty to order and direct the Lieutenants of the said several Counties, with all convenient Speed, to draw out and embody all the Regiments or Battalions of Militia within their respective Counties herein-before appointed to be raised and trained, or so many of them, or such Part or Proportion of them or any of them, as Her Majesty shall in Her Wisdom judge necessary, and in such Mannner as shall be best adapted to the Circumstances of the Danger, and to put the said Forces under the Command of such General Officers as Her Majesty shall be pleased to appoint, and to direct the said Forces to be led by their respective Officers into any Parts of the United Kingdom.

When the Militia is ordered out, the County Lieutenants shall issue Orders to the Schoolmasters, &c.

XLVIII. When the Militia of any Regiment shall be ordered to be embodied, the Colonel or Commandant of such Regiment shall forthwith give Notice to the Men, in like Manner as is directed in the Case of the Times of Training and Exercise; and Parochial Schoolmasters or Inspectors of the Poor shall, subject to like Penalty, affix such Notice in manner directed for such Occasion.

XLIX. If during such Time as any Part of the Militia which shall have been drawn out and embodied for Service shall continue embodied Her Majesty shall deem it expedient that the Militia of any County, or any Part thereof, which shall not at such Time be actually embodied for Service, should be drawn out, in order to be mustered, trained, and exercised for a limited Time, instead of being so embodied for Service, according to the Provisions of this Act, it shall be lawful for Her Majesty to direct the Lieutenants or Deputy Lieutenants of all or any of the said Counties to cause the said Militia not actually embodied, or any Part thereof, to be drawn out, in order to be mustered, trained, and exercised, in such Proportion and for such Time and at such Place or Places as shall be appointed, with the Approbation of Her Majesty, by the Lieutenant or Deputy Lieutenants, in manner as is herein-before directed for training and exercising the Disembodied Militia, and the same shall be mustered, trained, and exercised accordingly.

While any Part of the Militia shall continue embodied, Her Majesty may order any not embodied to be drawn out, to be mustered, trained, and exercised.

Billeting, &c. of Militia Men.

L. It shall be lawful for all Justices of the Peace and Magistrates of Cities, Towns, and Places, and they and each of them are and is respectively hereby required, to quarter and billet the Officers, Non-commissioned Officers, Drummers, and Private Men serving in the Militia, at the Times when they shall be called out to annual Exercise, or be embodied in the same Way and Manner as Her Majesty's Regular Forces are so furnished and provided in that Part of *Great Britain* called *Scotland*, upon Application made to any such Justices of the Peace or Magistrates by Her Majesty's Lieutenant, or by the Colonel or other commanding Officer of the Regiment or Battalion of Militia so called out to exercise or embodied as aforesaid, or of any Division or Detachment thereof; and when the Militia is not embodied nor called out to exercise as aforesaid, all Justices of the Peace and Magistrates aforesaid may and they and each of them are and is hereby respectively required to order and provide convenient Quarters in such Manner as aforesaid for the Sergeants, Corporals, and Drummers of the Permanent Staff of the Militia; and all Innkeepers and others who, according to the Provisions of the Mutiny Act, are liable in *Scotland* to have Soldiers billeted upon them, shall in like Manner be subject to have the Militia Non-commissioned Officers and Men in such Cases billeted upon them, and in default of their providing convenient Lodging as prescribed in the said Act shall be liable to the Penalties imposed upon Civil Subjects offending against the Laws relating to Billets prescribed by the said Act.

Justices, &c., may billet the Militia when called out to annual Exercise, and when not called out may order Quarters for the Non-commissioned Officers and Drummers.

Directing how Militia Men falling sick on the March are to be relieved.

LI. In case any Militia Man shall, on his March to the Place where he shall be ordered to attend for the annual Exercise, be disabled by Sickness or otherwise, it shall be lawful for any One Justice of the Peace of the County where such Man shall then be, by Warrant in Writing, to order the Inspector of the Poor to grant him such Relief as such Justice shall think reasonable, and upon such Warrant being produced to the Secretary-at-War he shall pay all such Expenses as shall be incurred pursuant to such Warrant, upon an Account thereof to be certified in Writing by such Justice of the Peace.

Regulation of Punishment of Militia during Exercise or when embodied.

Officers, &c. may be tried by a Court-martial for Offences committed;

LII. Every Officer, Non-commissioned Officer, Drummer, and Private of the Militia shall, during the Period of his Regiment being assembled for Training and Exercise or being embodied, and if on permanent Pay shall at all Times be subject to any Act which shall be in force for punishing Mutiny and Desertion and for the better Payment of the Army and their Quarters, and to the Articles of War, and it shall be lawful for the Colonel or other Commandant of any Regiment or Battalion of Militia to direct the holding of Courts-martial, as herein-after directed, for the Trial of any Officer, Non-commissioned Officer, Drummer, or Private of such Regiment or Battalion by either a General or Regimental Court-martial, for any Offence against the said Act or Articles of War committed during the Time such Person was subject thereto, although such Time shall then have elapsed, but so that no Punishment shall extend to the Loss of Life or Limb.

but Charges to be made out and delivered within Six Months after training or being disembodied.

LIII. Provided always, That no such Officer, Non-commissioned Officer, Drummer, or Private shall be liable to be tried or punished by Court-martial for any such Offence committed during the Period of any such Regiment, Battalion, or Corps being assembled for the Purpose of Training and Exercise or embodied, except for Desertion, unless the Charges against such Officer, Non-commissioned Officer, Drummer, or Private shall have been made out and delivered within Six Months after the Regiment, Battalion, or Corps shall have been dismissed after training and exercising or disembodied.

Volunteers under Instruction in the Army to be under Mutiny Act.

LIV. Any Militia Volunteer attached for a Time for the Purpose of Instruction to any Regiment, Battalion, or Depôt of Her Majesty's Forces, or Permanent Staff of a Regiment of Militia, shall for such Time be deemed to be under the Operation of the Mutiny Act, and under the Command of the Officer commanding such Regiment, Battalion, Depôt, or Permanent Staff of a Regiment of Militia.

Constitution of Courts-martial.

General Courts-martial may be appointed.

Pay and Allowance to Officers.

LV. Whensoever in any of the said Cases it shall be necessary that a General Court-martial should be held for any such Trial, it shall be lawful for Her Majesty to signify Her Pleasure to such and so many Lieutenants of Counties in *Scotland* as Her Majesty shall deem necessary, that Officers of their respective Counties will be required to assemble to form such Court, and every such Lieutenant shall thereupon give Orders to such Number of Officers as shall be required, who shall forthwith attend to form such Court; and all Officers who shall refuse or neglect to attend any such Courts-martial shall be liable to be tried by a General Court-martial, to be assembled according to the Regulations of this Act, for such Disobedience of Orders; and all Officers attending to form such Courts shall be entitled to Pay during such Attendance, and to Two Shillings for every Mile for going to such Court-martial at the Commencement thereof, and returning after the Conclusion of the Proceedings of the Court; and every General Court-martial so appointed shall be sworn and held in the same Manner, and shall have all such and the like Powers and Authorities, and shall be of the same Force and Effect, in all respects, whether the Militia from which the Officers thereof are assembled was then drawn out and embodied or not.

Regimental Courts-martial may be appointed.

LVI. For holding a Regimental Court-martial, in any of the said Cases for which such Court-martial shall be proper, it shall be lawful for the Colonel or other Commandant of the Regiment or Battalion, whether it shall then be embodied or not, and in his Absence for the senior Field Officer, to appoint any Place which he shall think proper, within the County, City, or District to which such Regiment or Battalion shall belong, and to order any Officers of such Regiment or Battalion to attend and assist as Members of such Court-martial, who shall thereupon attend at the Time required, and assist accordingly, and in default of such Attendance shall be liable to be tried by a General Court-martial, to be assembled pursuant to the Regulations of this Act, for such Disobedience of Orders; and the Officers who shall be Members of such Court-martial shall be entitled to the same Pay and Allowances as Officers who shall be Members of any General Court-martial under the Authority of this Act: Provided always, that no Officer of any of Her Majesty's other Forces shall sit upon any

Court-martial for the Trial of any Officer or Soldier of Militia: Provided further, that no Sentence of any Court-martial held as aforesaid on any Sergeant Major, Sergeant, Corporal, Drum Major, or Drummer, or Private Man as aforesaid, shall be put in execution until it shall have been confirmed by the Colonel or other Commandant, or by the Field Officer by whose Order such Court-martial was assembled.

Non-commissioned Officers may be reduced to Privates for a certain Period, and if not then restored they shall be discharged.

LVII. Any Sergeant, Corporal, or Drummer of the Militia may, by Sentence of a Court-martial, be reduced to the Condition of a Private Militia Man, to serve as such during any Time not exceeding Fifteen Months, in case the Regiment or Battalion to which he belongs shall not be then embodied or called out into actual Service, and in Case the Regiment or Battalion to which he belongs shall be then embodied or called out into actual Service, to serve as aforesaid until the disembodying of the said Regiment or Battalion, after which Time, or at the End of the said Fifteen Months, as the Case may be, if not regularly re-appointed to the Rank of a Non-commissioned Officer or Drummer, he shall be discharged from the Service.

Punishment of Des rtion from Militia, when not embodied.

Men not appearing at the Time and Place of Exercise, or absenting themselves during that Time, if not taken till afterwards, shall forfeit 10*l.* or be committed for Three Months.

LVIII. Every Militia Man (not labouring under any certified Infirmity or Incapacity) who shall not appear at the Time and Place appointed for his being exercised according to the Directions of this Act (Notice having been published and given as by this Act required), or who, having joined the Regiment, Battalion, or Corps to which he belongs, or any Company or Detachment or Division thereof, shall desert or absent himself during the Time of any such Exercise, shall be deemed a Deserter, and if not taken until after the Time of any such Exercise shall, on Conviction thereof before any One Justice of the Peace, be liable to a Penalty not exceeding Ten Pounds; and if such Penalty shall not be immediately paid shall be committed to Prison, with or without Hard Labour, for any Period not exceeding Three Months, or until he shall have paid the said Penalty.

Penalties for fraudulent Reenlistment.

LIX. Any Militia Volunteer who, before the Expiration of his Engagement as a Militia Man in any Regiment, Battalion, or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of Militia, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement), shall, upon a Conviction thereof before any One Justice of the Peace, incur a Penalty not exceeding Ten Pounds, and in default of Payment shall be committed to Prison for any Time not exceeding Three Months, and shall also be liable to the Deduction out of the Bounty which he might otherwise have received in respect of his original Enlistment of a Sum equal to what he may have received upon his fraudulent Re-enlistment, and of such further Sum as the Colonel or Commanding Officer of the Regiment, Battalion, or Corps in which he may have originally enlisted shall think proper, or as the Secretary-at-War may from Time to Time direct, not exceeding the Expenses of his Attestation and Enrolment on such fraudulent Re-enlistment.

The Justice before whom a Militia Man is convicted of Enlistment in the Regular Forces or Re-enlistment in the Militia to send Report of Conviction to Secretary-at-War.

LX. The Justice before whom a Militia Volunteer shall be convicted of having enrolled or offered to enrol himself in another Regiment, Battalion, or Corps of Militia, or more than once in the same Regiment, Battalion, or Corps of Militia, shall send or cause to be sent to the Secretary-at-War a Report of such Conviction, stating the Name of such Volunteer, the Regiment, Battalion, or Corps of Militia to which he belongs, the Offence of which he has been convicted, and the Sentence or Decision of the Justice thereon, and, where such Volunteer shall be imprisoned in pursuance of such Conviction, the Period when the Imprisonment will expire; and for such Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more.

Power to discharge Men from the Militia who have enlisted in the Regular Forces.

LXI. It shall be lawful for the Secretary-at-War at any Time to discharge any Militia Volunteer for Misconduct, Unfitness, or other Cause, upon such Conditions as he may from Time to Time direct, and such Volunteer shall have no Claim to future Pay or Bounty, or to release from future Attendance in the Militia any Volunteer who may have fraudulently enlisted into Her Majesty's Regular Forces or into the Forces of the *East India* Company, or who may have fraudulently entered into Her Majesty's Navy, and who has been sentenced to Imprisonment, or to Forfeiture for a Period not exceeding Eighteen Calendar Months of One Penny a Day from his Pay in such Forces; and any Man so released shall serve with the Force in which he may have enlisted or entered in the United Kingdom or elsewhere, with the like Liabilities in all respects as any Soldier or Seaman in such respective Force, and his Place in the Militia shall be supplied in like Manner as if his Term of Service as a Militia Man had expired by Efflux of Time.

Provision for withholding Payment of Bounty from Men

LXII. Any Bounty which, under the Regulations to be made under this Act, may be payable during or in respect of Attendance at Training and Exercise, shall be forfeited by any Man who wholly absents himself from such Training and Exercise wrongfully absent from Training.

Exercise without Leave lawfully granted, or Sickness certified according to such Regulations; and any such Bounty which would otherwise be payable to any Man who partially absents himself as aforesaid without such Leave, or Sickness certified as aforesaid, or who misconducts himself during the Training, shall be wholly withheld, or issued only in such Manner and in such Portions as the Secretary-at-War, upon the Report of the Commanding Officer, shall determine.

Drummers or Buglers, offending in certain Cases, how to be dealt with.

LXIII. If any Drummer or Bugler of the Permanent Staff shall absent himself without Leave for a Period exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, and if any Drummer or Bugler of the Permanent Staff shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any other Punishment which he is authorized to award, order that such Drummer or Bugler be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Drummer or Bugler shall forfeit his Pay for the Day or Days of such Imprisonment; and any Drummer or Bugler who shall have absented himself as aforesaid may, in addition to or instead of such Imprisonment and Forfeiture, or other Punishment which the Commanding Officer has Authority to inflict, be further deprived, by Order of his Commanding Officer, of his Pay for the Day or Days of such Absence: Provided that such Drummer or Bugler so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, be entitled to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeitures.

In case of Discharge for Misconduct, the Cause of Discharge to be certified on Certificate of Discharge.

LXIV. If any Person who shall have served in Her Majesty's Forces, and shall afterwards have been enrolled as a Non-commissioned Officer on the Permanent Staff of the Militia, shall be discharged from any Regiment or Corps for Misconduct, the Cause of his Discharge shall be certified by the Colonel or Commandant of such Regiments or Corps on the Back of the Certificate of his Discharge from Her Majesty's Army, and a Copy of the same forwarded to the Adjutant-General of Her Majesty's Forces, the Secretary of State for the Home Department, and the Secretary-at-War.

Provision for Apprehension of Militia Men not attending

LXV. The Commanding Officer of any Regiment, Battalion, or Corps of Militia shall notify to the Secretary-at-War, and to the Constables or other Officers of the Counties, Parishes, and Places in which Militia Men reside who have not attended

Training and Exercise, or who may have absented themselves during the Time of Training and Exercise of their respective Regiments, Battalions, or Corps, the Names and Descriptions of all such Volunteers who have so absented themselves; and it shall be lawful for any Constable or Officer, or for any Officer or Soldier in Her Majesty's Service or in the Militia, to apprehend or cause any such Volunteer to be apprehended, and to bring him or cause him to be brought before any Justice of the Peace at any Time within the Period of his Engagement in the Militia, to be dealt with as herein-before mentioned, if the Battalion or Corps to which he belongs has ceased Training and Exercise, or to be committed to safe Custody until an Escort can be sent for him if such Regiment, Battalion, or Corps be then out for Training and Exercise; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, and the Secretary-at-War shall transmit to such Justice an Order for the Payment to the Person or Persons by whom such Deserter was apprehended of such Sum not exceeding Twenty Shillings as the Secretaty-at-War may think fit.

or absenting themselves during Training.

LXVI. Any Person who, by Words or other Means, shall persuade any Militia Man improperly to absent himself from his Duty, and every Person who shall assist or procure any such Volunteer improperly to absent himself as aforesaid, or shall conceal, employ, or continue to employ any such Volunteer, knowing him to be so improperly absent, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Penalty for inducing Militia Men to absent themselves, or harbouring or employing Militia Men absenting themselves.

Punishment for Sale, &c. of Arms, &c.

LXVII. All Muskets delivered for the Service of the Militia shall be marked distinctly in some visible Place with the Letter (M.), and the Name of the County to which they belong; and in case any Militia Man shall sell, pawn, or lose any of his Arms, Clothes, Accoutrements, or Ammunition, or neglect or refuse to return the same in good Order to his Captain, or to the Person appointed to receive the same, every such Militia Man shall, on Conviction thereof before any Justice of the Peace, for every such Offence incur a Penalty not exceeding Three Pounds; and if such Militia Man shall not immediately pay such Penalty, shall be committed to Prison, to be kept to Hard Labour for any Time not exceeding Three Months, or until he shall have paid the said Penalty.

Muskets to be marked, and if Men sell or lose their Arms, &c., or neglect to return them in good Order, they shall forfeit not exceeding 3*l.* or be committed for not exceeding Three Months.

LXVIII. If any Person shall knowingly and wilfully buy, take

Penalty for buying Militia Arms, &c.

take in exchange, conceal, or otherwise receive any Militia Arms, Clothes, or Accoutrements, or any such Articles belonging to any Militia Man as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or any public Stores or Ammunition whatever delivered for the Militia, upon any Account, or Pretence whatsoever, contrary to the true Intent and Meaning of this Act, the Person so offending shall for every such Offence incur a Penalty not exceeding Ten Pounds, and in default of Payment shall be liable to Imprisonment for any Period not exceeding Six Months, or until he or she shall have paid the said Fine.

Miscellaneous Provisions.

Enrolment in Militia not to cause Forfeiture of any Interest in any Benefit Society.

LXIX. No Man, by reason of his Enrolment or Service in the Militia or in the Naval Coast Volunteers, shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess or may have possessed at the Time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Enrolment of Servants shall not vacate their Contracts with their Masters, unless the Militia shall be embodied, &c.

LXX. If any Servant whatever, hired by the Year or otherwise, shall be enrolled as a Militia Man by virtue of this Act, such Enrolment shall not vacate or rescind the Contract or alter the Engagement between such Servant and his Master, Mistress, or Employer or Employers, unless the Militia of the County for which such Servant shall be enrolled shall be embodied or called out by Her Majesty, or be ordered so to be, in pursuance of this Act, or unless such Person so enrolled shall leave the Service of his Master, Mistress, or Employer or Employers, for the Purpose of being trained and exercised for the Period directed by this Act, and shall not return again to the same Service at the End of such Period, or as soon after as reasonably may be, allowing to his Master, Mistress, or Employer or Employers an Abatement from his Wages in proportion to the Duration of his Absence from his said Service; and in every such Case, where any Dispute shall arise between such Servant and his Master, Mistress, or Employer, touching any Sum or Sums of Money due to such Servant for or on account of his Service performed before the Time of his Departure

Sheriff or Two Justices may settle Disputes touching

Departure from Service, under the Conditions of the said Enrolment, or by being called out to join the Militia in which he shall have been so enrolled, or touching any Abatement to be made by such Servant by reason of his Absence for the Purpose of being trained and exercised, it shall be lawful for the Sheriff of the County, or any Two or more Justices of the Peace for the County or Place where such Master, Mistress, or Employer is resident, to hear and determine the same in a summary Way where the Wages or Balance of Wages claimed shall not exceed Twenty Pounds, in like manner as if the Sum claimed were within the Amount to which their Jurisdiction under the Acts for the Recovery of Small Debts respectively for the Time being extends, and to grant Warrant for the Recovery of the Sum decerned for by Poinding and Sale in common Form.

Wages under 20*l.* under Small Debt Acts.

Recovery of Penalties, &c.

LXXI. All Fines, Penalties, and Forfeitures by this Act imposed, the Manner of Recovery whereof is not by this Act particularly provided for, which shall exceed the Sum of Twenty Pounds, shall be recovered by Action at the Suit of Her Majesty's Advocate for *Scotland* in the Court of Exchequer in *Scotland;* and all Fines, Penalties, and Forfeitures by this Act imposed, the Manner of Recovery whereof is not by this Act particularly provided for, which shall not exceed the Sum of Twenty Pounds, shall, on Conviction of the Offence in any Action or Complaint at the Instance of the Procurator Fiscal of the County where the Offence shall be committed, or where the Offender may at any Time be, or at the Instance of any Party to whom the same or Part thereof is made payable, or the Performance of whose Duty under this Act may require the Enforcement of the Provisions in respect of the Breach of which such Penalty is imposed, with Concurrence of the Procurator Fiscal, before the Sheriff or any Two or more Justices of the Peace of such County, be levied by Poinding and Sale of the Offender's Goods and Effects, by Warrant under the Hands of such Sheriff or Justices, or by Imprisonment for any Time not exceeding Three Months.

How Penalties shall be recovered, and how applied, where not otherwise directed by this Act.

LXXII. No Conviction or Decree by the Sheriff or by any Justice or Justices of the Peace, by virtue of this Act, shall be removable by Advocation or Suspension or any other Process to any other Court, or be subject to any Sist of Execution.

No Order of Conviction shall be removed out of the County.

LXXIII. One Half of every Pecuniary Penalty or Forfeiture imposed upon any Person duly convicted of buying, taking in Exchange, concealing, or otherwise receiving, contrary to Law, any Militia Arms, Clothes, Accoutrements, or Regimental

Application of certain Penalties.

Regimental Necessaries belonging to any Militia Man, or any public Stores or Ammunition for the Service of the Militia, and every pecuniary Penalty or Forfeiture imposed upon any Person assisting, procuring, or persuading any Militia Volunteer improperly to absent himself from his Duty, or concealing, employing, or continuing to employ any such Volunteer, knowing him to be so improperly absent, shall go to the Person who shall inform or sue for the same, and the other Half, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty, shall be paid over and applied in such Manner as the Secretary-at-War shall direct; and every Justice who shall adjudge any such Penalty or Forfeiture shall, within Four Days at the furthest, report the same and his Adjudication thereof to the Secretary-at-War.

Application of Penalties on Militia Men.

LXXIV. All Penalties imposed by this Act upon Militia Men (except the Deductions from Bounty, which shall be brought to Public Credit,) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or other Bodies of Militia of the respective Counties, Ridings, or Places to which the Volunteer belongs, and shall be made and accounted for as Part of the Public Stock of such Regiment, Battalion, or other Body of Militia respectively.

Justices may grant Warrants for the Citation of Witnesses.

LXXV. In all Cases in the Execution of this Act when any Matter or Thing is directed to be inquired of or examined into before any Justice or Justices of the Peace, any such Justice or Justices of the Peace is and are hereby authorized to grant Warrant for the Citation of Witnesses, and to administer Oaths to Witnesses, with the same Powers as Justices of the Peace have under the Acts for the Recovery of Small Debts.

Provisions of Twopenny Acts to extend to County Lieutenants and Deputies.

LXXVI. The Provisions of any Acts passed for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants, shall extend to all Her Majesty's Lieutenants and to all Deputy Lieutenants acting in the Execution of this Act, in like Manner and as fully and effectually as the same extend to Justices of the Peace acting in the Execution of their Office.

Treble Expenses.

LXXVII. If any Action shall be brought against any Person or Persons for anything done in pursuance of this Act, such Action shall be commenced within Six Months next after the Fact committed, and not afterwards; and if the Defender or Defenders shall be assoilzied in any such Action, the Defender or Defenders shall have Decree for Three Times his Expenses in such Action, and have the like Remedy for the same as any Defender hath in other Cases to recover Expenses by the Law of *Scotland*.

SCHEDULE referred to in this Act.

SCHEDULE A.

Descriptive Return of committed to Confinement
at on the Day of as an Absentee
from the Training of the Regiment of Militia.

Age - - - -		
Height - - - -	Feet.	Inches.
Complexion - - -		
Hair - - - -		
Eyes - - - -		
Marks - - - -		
Probable Date of Enrolment, and where - - - -		
Probable Date of absenting himself, and from what Place -		
Name, Occupation, and Address of the Person by whom apprehended * - - - -		
Particulars in the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner and upon what Grounds, and whether committed for safe Custody only, or as a Deserter under this Act, and if so, for what Period - -		

* It is important for the Public Service, and for the Interest of the Prisoner, that this Part of the Return should be accurately filled up, and the details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my presence that he † absent himself from the before-mentioned Corps.

——— *Signature and Address of Magistrate.*

——— *Signature of Prisoner.*

——— *Signature of Informant.*

† Insert "did" or "did not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of ‖ Private Medical Practitioner.*

† Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

CAP. CVII.

An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in Ireland.—[11th August 1854.]

CAP. CVIII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[11th August 1854.]

CAP. CIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Sergeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.*—[11th August 1854.]

CAP. CX.

An Act to provide for the Repayment of Monies advanced from the Exchequer to the County of Mayo *for public Purposes.*—[11th August 1854.]

CAP. CXI.

An Act to continue and amend the Metropolitan Sewers Acts.—[11th August 1854.]

CAP. CXII.

An Act to afford greater facilities for the Establishment of Institutions for the Promotion of Literature and Science and the Fine Arts, and to provide for their better Regulation.—[11th August 1854.] (England and Ireland.)

CAP. CXIII.

An Act to amend the Laws relating to the Administration of the Estates of deceased Persons.—[11th August 1854.] (England and Ireland.)

CAP. CXIV.

An Act to extend the Rights enjoyed by the Graduates of the Universities of Oxford *and* Cambridge *in respect to the Practice of Physic to the Graduates of the University of London.*—[11th August 1854.]

CAP. CXV.

An Act to amend the Law relative to the removal of Prisoners in Custody.—[11th August 1854.] (England and Ireland.)

CAP. CXVI.

An Act to continue and amend an Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England.—[11th August 1854.]

CAP. CXVII.

An Act to facilitate the Sale and Transfer of Incumbered Estates in the West Indies.—[11th August 1854.]

CAP. CXVIII.

An Act to empower the Legislature of Canada *to alter the Constitution of the Legislative Council for that Province, and for other Purposes.*—[11th August 1854.]

CAP. CXIX.

An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts.—[11th August 1854.] (England.)

CAP. CXX.

An Act to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts.—[11th August 1854.]

CAP. CXXI.

An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and fifty-four, and to appropriate the Supplies granted in this Session of Parliament.—[12th August 1854.]

CAP. CXXII.

An Act for the further Alteration and Amendment of the Laws and Duties of Customs.—[12th August 1854.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. On and after the Eighth Day of *August* One thousand eight hundred and fifty-four, in lieu and instead of all other Duties and Drawbacks of Customs, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods imported into or exported from any Part of *Great Britain* and *Ireland*, the several Duties of Customs, and there shall be allowed the several Drawbacks, as the same are respectively inserted, described, and set forth in Table (A.) to this Act annexed; and in lieu of all Duties of Customs now payable by Law upon the Importation of Goods into the *Isle of Man*, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in Table (B.) to this Act annexed; and all the Goods described as free in the said Table (A.) shall be exempt from Duty on the Importation thereof into *Great Britain* and *Ireland*, and those described as free in the said Table B. shall be exempt from Duty on the Importation thereof into the *Isle of Man*.

Instead of all other Duties and Drawbacks of Customs there shall be paid and allowed the Duties and Drawbacks specified in Tables annexed.

Duties in Table to be levied on Goods imported into Isle of Man.

Free Goods.

II. Goods not duly reported may be detained by any Officer or Officers of Customs until the same are so reported, and the Cause of the Omission explained to the Satisfaction of the Commissioners of Customs, who may thereupon restore the same on such Terms as they may deem proper; and such Goods may in the meantime, should the said Commissioners deem necessary, be removed to the Queen's Warehouse.

Goods not reported may be detained till Requisites complied with.

III. The Time prescribed by the Sixty-fourth Section of "The Customs Consolidation Act, 1853," for perfecting Entries by Bill of Sight, may be extended at the Discretion of the Commissioners of Customs.

Extension of Time for perfecting Sight Entries.

IV. The Commissioners of Customs may permit the Entries of Goods in such Form and Manner and on such Conditions as they may direct to meet the Exigencies of any Case to which

Commissioners of Customs to permit special

Entries in particular Cases.

which the general Laws and Regulations may not be strictly applicable.

Entries of Arms, &c. to contain the Number and Description of the Articles.

V. On the Entry of Arms and Ammunition of War, whether for Home Use, Exportation, or in Transit, the Number of Articles of each Description, as denominated in Table A. to this Act, shall be stated in the Import, Export, or Transit Entry, as the Case may be.

Goods not worth the Duty and Charges in Queen's Warehouse may be destroyed.

VI. All Goods deposited in the Queen's Warehouse, and not duly cleared therefrom within Three Calendar Months, if the same cannot be sold for a Sum sufficient to pay the Duties and Charges if offered for Sale for Home Consumption, or the Charges if offered for Sale for Exportation, may be destroyed by Direction of the Commissioners of Customs.

The re-weighing, re-gauging, &c. of Goods on quintennial re-warehousing, may in certain Cases be dispensed with.

VII. On the re-warehousing in the Name of the Proprietor of Goods, either by himself or by the Warehousekeeper, after the Expiration of Five Years from the last preceding warehousing or re-warehousing thereof under Sections One hundred and three and One hundred and four of "The Customs Consolidation Act, 1853," the Commissioners of Customs may (first being satisfied that the same are in the Warehouse, that the Packages are entire, and that there is no Ground to suspect that there is any undue Deficiency therein), dispense with the re-weighing, re-gauging, or re-measuring and strict Examination thereof, if they be such as are liable on Delivery to the Payment of Duty according to the landing Weight, Measure, or Quantity thereof, and also at the Request of the Warehousekeeper or Proprietor of the Warehouse may (first being satisfied as aforesaid) dispense with the re-weighing, re-gauging, re-measuring, or strict Examination on such re-warehousing as aforesaid, of Goods being Wines or other Goods the Duties whereon are payable at the Delivery, Weight, Measure, or Quantity, and which may be liable to Injury by such re-weighing, re-gauging, re-measuring, or strict Examination; but in either of these Cases the Warehousekeeper or Proprietor of such Warehouse shall be liable at the Time of Delivery of such Goods to pay the Duties due on any Deficiency therein not allowed by Law which may then be found to exist, instead of being called upon to make good any Deficiencies which might have been found to exist had such re-weighing, re-gauging, re-measuring, or Examination been resorted to at the Time of such re-warehousing.

Ships with Cargo to clear.

VIII. If any Ship having Cargo on Board shall depart from any Port without being duly cleared, the Master shall forfeit the Sum of One hundred Pounds.

Tobacco may be

IX. Nothing in the Customs Consolidation Act, 1853, shall extend to render any Ship of One hundred and Twenty Tons

Burden or upwards liable to Forfeiture on account of any Tobacco, Cigars, or Snuff imported in such Ships into the United Kingdom in Packages each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, nor to render any Tobacco, Cigars, or Snuff liable to Forfeiture by reason of its being imported in such Packages, nor to render any such Ship or any Tobacco, Cigars, or Snuff so imported liable to Forfeiture under the Two hundred and twelfth Section of the said Act.

legally imported in Packages of 80 lbs. Weight.

Prohibited Goods not to be shipped from the Channel Islands to the United Kingdom.

X. If in the Channel Islands any Goods, the Importation whereof into the United Kingdom is prohibited or restricted, shall be shipped or brought to any Wharf, Quay, or other Place in, or be waterborne to be shipped on board any Ship clearing or departing from those Islands to the United Kingdom, such Goods shall be forfeited, and any Person who shall so ship, bring, or waterbear to be shipped any such Goods, or be otherwise knowingly concerned therein, shall forfeit the Sum of One hundred Pounds or Treble the Value of the Goods, at the Election of the Commissioners of Customs.

To place the Bay Islands on the same footing as the Bermudas.

XI. The Islands in the *Bay of Honduras*, called the *Bay Islands*, shall be deemed and taken to be excepted or excluded from the Operation of the One hundred and fifty-ninth Section of the "Customs Consolidation Act, 1853," to the same Extent as the *Bahamas* or *Bermuda Islands* are thereby excepted or excluded.

British and Irish Spirits prohibited to be brought from the Isle of Man.

XII. *British* or *Irish* Spirits may be exported from *Great Britain* or *Ireland* to Parts beyond the Seas, or be removed to the *Isle of Man*, in Casks of the Content of Ten Gallons each at the least, but no *British* or *Irish* Spirits shall be removed or exported from the *Isle of Man* to any other Part of the United Kingdom, under pain of Forfeiture thereof.

Count for harbouring, &c. smuggled Goods.

XIII. The Words "otherwise dealing with certain prohibited, restricted, or uncustomed Goods" in Count Sixteen of Schedule B. to "The Customs Consolidation Act, 1853," shall be deemed to apply to and include the harbouring or having Possession, as the Case may be, of any such Goods, and it shall not be necessary to prove that the Party charged was concerned in the unshipping thereof.

Defendant's Option of removing a Case from the magisterial to the Superior Court to be exercised before the Hearing commences.

XIV. The Option given to a Defendant by Section Two hundred and sixty-four of "The Customs Consolidation Act, 1853," of removing any Proceedings against himself before any Justice to a Superior Court, shall not be exercised after the Commencement of the Trial thereof before such Justice.

XV. The Second Section of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine, shall not be deemed to apply to any Prosecution, Suit, or other Proceeding, 14 & 15 Vict. c. 99 not to extend to Revenue Cases.

Proceeding, in respect of any Offence, or for the Recovery of any Penalties or Forfeitures, under any Law now or hereafter to be made, relating to the Customs or Inland Revenue.

Provision as tó Importation of Tobacco, &c. into Channel Islands.

XVI. Section One hundred and ninety-three of "The Customs Consolidation Act, 1853," is hereby repealed, but no Tobacco, Cigars, or Snuff shall be imported into the Channel Islands, nor be carried from any one of the said Islands to another of them, or from one Part of any of the said Islands to another Part of the same, unless in Ships of not less Burden than Fifty Tons, except from the United Kingdom in Ships of not less than Forty Tons Burden regularly trading from thence to those Islands, nor unless in Packages each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, nor unless the Provisions in and under which the like Sort of Goods may be legally imported into the United Kingdom are complied with; and all Cigars, Tobacco, or Snuff imported into the said Islands, or carried, shipped, or removed, contrary hereto, or which shall be found or discovered to have been on board any Ship or Boat within One League of the Coasts thereof, shall be forfeited, together with the Ship or Boat.

Exemption in Sect. 192 of "Customs Consolidation Act, 1853," to apply only where Spirits shipped, &c. in Vessels of not less than 50 Tons.

XVII. The Exemption contained in the Proviso of Section One hundred and ninety-two of "The Customs Consolidation Act, 1853," in respect of Spirits, shall only apply in Cases where such Spirits are shipped, removed, imported, exported, or carried Coastwise in Ships of not less Burden than Fifty Tons, as required by the foregoing Part of the said Section.

Declaratory Explanation of Term "Malt."

XVIII. Doubts having arisen as to the Meaning of the Prohibition in regard to Malt contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," the Term Malt shall be deemed to include all Malt, whether in Grain or in the Form of concentrated Extract or Essence, but shall not include any of the fermented Liquors made from Malt now specified in the Tariff.

Dispensation of Shipping Documents Outwards.

XIX. So much of the One hundred and forty-second Section of "The Customs Consolidation Act, 1853," as requires a Duplicate Bill of Lading on the Shipment of Goods, and, within Fourteen Days after Clearance of the Ship, a List of such Goods, with the Quantities and Values thereof, is hereby repealed, except as to Shipments at the Port of *Liverpool*, with respect to which so much only of the said Section as requires the Values of the Goods to be stated in such List is hereby repealed; but if the Exporter shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof where required, of the Goods exported by him as prescribed by the said Act, he shall forfeit the Sum of Twenty Pounds.

XX. The *Isle of Man* shall be deemed and taken to be Part of the United Kingdom for the Purposes of this or any other Act relating to the Customs, save as to the Rates of Duties and Drawbacks charged or allowed.

Isle of Man Part of United Kingdom for Customs Purposes.

XXI. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section.

Interpretation Clause.

TABLE A.

Duties applicable to Great Britain and Ireland.

	£	s.	d.
Arms, viz.:			
Swords, Cutlasses, Matchetts, Bayonets, Gun Locks, Cannon or Mortars of Iron not mounted nor accompanied with Carriages . . . the Cwt.	0	2	6
Cannon or Mortars of Brass not mounted nor accompanied with Carriages . . the Cwt.	0	10	0
Cannon or Mortars mounted or accompanied with Carriages, and other Fire-arms, viz., Muskets, Rifles, Carbines, Fowling Pieces, or Guns of any other Sorts not enumerated, and Pistols for every £100 Value thereof	10	0	0
Ammunition, viz.:			
Shot, large and small, of Lead . . the Cwt.	0	2	0
" " of Iron . . "	0	2	6
Rockets and other Combustibles, for Purposes of War, and not otherwise enumerated or described for every £100 Value thereof	10	0	0
Baskets . . . . . the Cubic Foot	0	0	4
Boxes, viz.—Brass . . . . the Cwt.	1	10	0
Not otherwise charged with Duty for every £100 Value	10	0	0
Buttons and Studs of Metal	free		
" " other Sorts	free		
Cherries, dried . . . . . the lb.	0	0	2
Comfits, dry . . . . . the lb.	0	0	2
Confectionary . . . . . the lb.	0	0	2
Eggs . the Cubic Foot of the Package, internal Measurement	0	0	8
Of and from British Possessions the Cubic Foot of the Package, internal Measurement	0	0	4
Embroidery on Silk, or Silk mixed with other Materials not being Silk Net . . for every £100 Value	15	0	0
Of and from British Possessions for every £100 Value	5	0	0
Ginger . . . . . the Cwt.	0	5	0
Glass—Plate Glass, cast or rolled, of whatever Thickness, whether silvered, polished, or rough, and silvered Glass not otherwise enumerated	free		

		£	s.	d.
Gongs	the Cwt.	1	0	0
Hops—until the 1st August 1855	the Cwt.	1	0	0
From and after that Date	the Cwt.	2	5	0
Japanned or Lacquered Ware	the Cwt.	1	0	0
Iron, Manufactures of, coated with Brass or Copper by any galvanic Process	the Cwt.	0	3	6
Lucifers, of Wood				
the Cubic Foot of the external Package, measured internally		0	0	4
Marmalade	the lb.	0	0	2
Musical Instruments, viz.: Harmoniums and Seraphines	each	1	5	0
Concertinas, all Sorts	the 100 Notes	0	5	0
Oil Cloth	the Square Yard	0	0	1½
Opera Glasses, viz.:—				
Single	each	0	1	0
Double, and all Marine and Race Glasses, not being Telescopes	each	0	2	6
Paper, viz.:—Printed, Painted, or Stained Paper Hangings, or Flock Paper	the lb.	0	0	3
Platting, viz.:—of Chip, not being of greater Value than Sixpence per Piece of Sixty Yards	the lb.	0	0	6
Willow Squares	the Cwt.	0	10	0
Plums preserved in Sugar	the lb.	0	0	2
Silks, viz.:—Corahs, Choppas, Bandannas, Tussore Cloth, Romals and Taffaties, viz.:				
In Pieces not exceeding 6¼ Yards in Length	the Piece	0	0	6
In Pieces exceeding 6¼ Yards and not exceeding 7¼ Yards in Length	the Piece	0	0	8
In Pieces exceeding 7¼ Yards, and not exceeding 12 Yards in Length	the Piece	0	0	10
China Crape Shawls, Scarfs, Handkerchiefs, and Pieces—				
Plain and Damask	the lb.	0	3	0
Embroidered	the lb.	0	5	0
Manufactures of Silk, or of Silk mixed with Metal or any other Material, the Produce of Europe, viz.:				
Ribbons of Velvet or Plush, wholly of Silk or of Silk mixed with Cotton, not exceeding Nine Inches in width				
—Plain or embossed by Depression, without Satin or Fancy Edge	the lb.	0	5	0
Figured, brocaded, striped, or spotted, or with Satin or Fancy Edge, and Silk Ribbons in any way mixed or ornamented with Velvet or Plush	the lb.	0	10	0
Manufactures of Silk, or of Silk mixed with any other Material called Plush, not being Ribbons	the lb.	0	3	0
Articles thereof	the lb.	0	3	6
Spirits, viz.:—				
Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer; for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon	the Gallon	0	15	0

Spirits,—*continued.*		£	s.	d.
Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4th Vict. Cap. 8. have or shall have been fulfilled, if imported—				
Into England . .	the Gallon	0	8	2
Into Scotland . .	the Gallon	0	6	0
Into Ireland . .	the Gallon	0	4	4
And further, if imported into Scotland as imposed by the Act 17th and 18th Vict. Cap. 29.	the Gallon	0	0	4
Rum, Shrub, Cordials, and Liqueurs of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid, if imported—				
Into England . .	the Gallon	0	8	2
Into Scotland . .	the Gallon	0	6	0
Into Ireland . .	the Gallon	0	4	4
And further, if imported into Scotland as imposed by the Act 17th and 18th Vict. Cap. 29.	the Gallon	0	0	4
Other Spirits and Strong Waters being sweetened or mixed so that the Degree of Strength cannot be ascertained as aforesaid	the Gallon	1	0	0
Stays or Corsets of Linen or of Cotton, or of Linen and Cotton mixed	the Doz. Pairs	0	2	0
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated . .	the lb.	0	0	2
Sulphate of Potash			free	
Vinegar	the Gallon	0	0	4½
Yarn, Woollen			free	
Worsted for Fancy Purposes, of Two or more Threads, not being fit for Embroidery . . .	the lb.	0	0	3

A drawback shall be allowed on all Roasted Coffee exported as Ships' Stores, or removed to the Isle of Man for consumption therein, equal in Amount to the Import Duty chargeable on Raw Coffee; and on Tobacco manufactured in the United Kingdom, made into Cut, Shag, Roll, or Carrot Tobacco or Cigars, such Cigars, when exported as Merchandise, being packed in Cases containing not less than Eighty Pounds net Weight, a Drawback shall be allowed on Exportation or Shipment as Stores—the lb. 2s. 7½d., and 5 per Cent. thereon.

TABLE B.

Duties applicable to the Isle of Man.

Spirits, viz.:		£	s.	d.
Rum Shrub of the British Possessions .	the Gallon	0	3	8
Rum and other Spirits of the British Possessions, not being sweetened or mixed Spirits or Liqueurs, Cordials, or perfumed Spirits, for every Gallon of the				

		£	s.	d.
Strength of Proof by Sykes's Hydrometer, and so on in proportion for any greater or less Strength than the Strength of Proof, or for any greater or less quantity than a Gallon	the Gallon	0	3	8
Liqueurs, Cordials, mixed, sweetened, and perfumed Spirits	the Gallon	0	10	0
Of the British Possessions . .	the Gallon	0	5	0

CAP. CXXIII.

An Act to render any Dealing with Securities issued during the present War between Russia *and* England *by the* Russian *Government a Misdemeanor.*—[12th August 1854.]

WHEREAS it is expedient to prevent as much as possible the *Russian* Government from raising Funds for the Purpose of prosecuting the War which it at present carries on against this Country: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Prohibiting the Dealing in Russian Stocks, &c.

I. If, during the Continuance of Hostilities between Her Majesty and the Emperor of *Russia*, any Person within Her Majesty's Dominions, or any *British* Subject in any Foreign Country, shall wilfully or knowingly take, acquire, become possessed of, or interested in any Stocks, Funds, Scrip, Bonds, Debentures, or Securities for Money which, since the Twenty-ninth Day of *March* One thousand eight hundred and fifty-four, have or hath been, or which, during the Continuance of Hostilities as aforesaid, shall be, created, entered into, or secured by or in the Name of the Government of *Russia*, or any Person or Persons on its Behalf, every Person so taking, acquiring, becoming possessed of, or interested in any such Stocks, Funds, Scrip, Bonds, or Debentures as aforesaid shall be guilty of a Misdemeanor, and in *Scotland* of an Offence punishable with Fine or Imprisonment: Provided always, that the Provisions of this Act shall not extend to or include the Case of any such Person or Subject claiming an Interest in the Estate or Effects of any deceased Person, or the Case of any such Person or Subject taking the Estate or Effects of his Debtor in Execution, or the Case of any such Person or Subject claiming in any Country to be interested under any Bankruptcy, Insolvency, Sequestration, Cessio Bonorum, or Disposition of Property in trust for Creditors, but that in every such Case the *British* Subject may take and receive any Stocks, Funds, Scrip, Bond, or Debentures, or any Share, Legacy, Dividend, Debt, or Sum of Money due or belonging to him, which may arise from or be produced by the Sale or Proceeds of any such Stocks, Funds, Scrip, Bonds, or Debentures as aforesaid; and provided also, that nothing herein contained shall be construed to include the Government Notes which are used as a circulating Medium in the *Russian* Dominions.

As to Trial of Offences committed beyond the Limits of United Kingdom.

II. All Offences against this Act committed beyond the Limits of the United Kingdom may be inquired of, tried, determined, and dealt with as if the same had been respectively committed within the Body of the County of *Middlesex*.

This Act not to affect the Law of Treason.

III. Nothing herein contained shall have the Effect of reducing to a Misdemeanor any such Offence which if this Act had not been passed would amount to the Crime of High Treason, or be deemed in any Manner to alter or affect the Law relating to High Treason; but no Person indicted for a Misdemeanor under this Act shall be entitled to an Acquittal on the Ground that the Acts proved against him amount in Law to the Crime of High Treason.

As to Payment of Costs of Prosecution.

IV. On any Indictment for a Misdemeanor under this Act the Costs of the Prosecution shall be allowed as directed by the several Acts, Seventh *George* the Fourth, Chapter Sixty-four, and Fourteenth and Fifteenth *Victoria*, Chapter Fifty-five; and all the Provisions of the said Acts empowering Courts to order Payment of Costs and Expenses, and Compensation for Trouble and Loss of Time, in the Cases of the Misdemeanors in the said Acts mentioned, shall extend and be applicable to Indictments for Misdemeanor under this Act.

CAP. CXXIV.

An Act to settle the Contribution to be made by certain Baronies in Roscommon *and* Galway *and the County of the Town of* Galway *to the* Midland Great Western Railway of Ireland *Company.*—[12th August 1854.]

CAP. CXXV.

CAP. CXXV.

An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster, *and of the Superior Courts of Common Law of the Counties Palatine of* Lancaster *and* Durham.—[12th August 1854.]

LOCAL

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED,

Passed in the SECOND Session of the SIXTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

17° & 18° VICT.

i. AN Act for better supplying with Gas the Town of *Middleton* and the Neighbourhood thereof in the County Palatine of *Lancaster*.

ii. An Act to enable the *London* Life Association to increase the Amount authorized by their Deed of Settlement to be assured upon a single Life in the said Society.

iii. An Act for granting further Powers to "The *Radcliffe and Pilkington* Gas Company."

iv. An Act to enable the *Leeds* New Gas Company to raise a further Sum of Money; to consolidate and amend the Acts relating to the Company; and for other Purposes.

v. An Act for enabling the *Brighton, Hove, and Preston* Constant Service Waterworks Company to purchase the Undertaking of the *Brighton, Hove, and Preston* Waterworks Company; and for granting to the first-named Company all necessary Powers for supplying with Water the Parishes of *Brighton*, *Hove*, and *Preston* in the County of *Sussex*.

vi. An Act for incorporating and extending the Powers of the *Hastings and Saint Leonards* Gas Company.

vii. An Act for enabling the *Norwich Equitable* Fire Assurance Company to sue and be sued in that Name, and for other Purposes.

viii. An Act for the Improvement of the Borough of *Warrington;* and for enabling the Council thereof to erect a covered Market; and for other Purposes.

ix. An Act to warp and improve certain Lands in the Level of *Hatfield Chase*.

x. An Act for enabling the *Nottingham* Waterworks Company to raise a further Sum of Money; and for amending some of the Provisions of the Act relating to such Company.

xi. An Act to consolidate the Stock and Powers of the Corporation of "The *Royal Exchange* Assurance of Houses and Goods from Fire" with the Stock and Powers of the Corporation of "The *Royal Exchange* Assurance," and to confer on the last-named Corporation the Powers of "The *Royal Exchange* Assurance Annuity Company" and "The *Royal Exchange* Assurance Loan Company," and to give additional Powers to "The *Royal Exchange* Assurance."

xii. An Act to confer additional Powers upon the Corporation of the *Amicable* Society for a perpetual Assurance Office, for the Purposes of Investment.

xiii. An Act to enable the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money, and to convert the Mortgage and Bond Debt of the Company into Debenture Stock and Perpetual Annuities; and for other Purposes.

xiv. An Act for establishing a Police Superannuation Fund in the Borough of *Liverpool*.

xv. An Act to make further Provision for the Sewerage, Sanitary Regulation, and Improvement of the Borough of *Liverpool*.

xvi. An Act for better supplying with Water the Town of *Southport* in the County Palatine of *Lancaster*, and the Neighbourhood thereof.

xvii. An Act for supplying with Gas *Ramsbottom* and other Places in the Parish of *Bury* in the County Palatine of *Lancaster*.

xviii. An Act to enable the *Rossendale* Waterworks Company to raise a further Sum of Money.

xix. An Act for enabling the *Scarborough* Public Market Company to raise a further Sum of Money, and for amending and consolidating the Provisions of the Act relating to such Company.

xx. An Act for lighting with Gas the Borough of *Bolton* and Places near thereto, and for other Purposes, and of which the Short Title is "The *Bolton* Gas Company's Act, 1854."

xxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Kingswood* District of Turnpike Roads in the County of *Gloucester*.

xxii. An Act for repealing "The *Stafford* Gas Act, 1846;" and for re-constituting the *Stafford* Gas Company, with additional Powers; and for other Purposes.

xxiii. An Act to enable "The *Bury* Port Company" to raise additional Capital, and to make Arrangements for the Satisfaction of the Mortgage and other Debts due from the Company; and to amend the Acts relating to the Company; and for other Purposes.

xxiv. An Act to enable the *Whitehaven Junction* Railway Company to raise a further Sum of Money, and to amend the Acts relating to the said Railway.

xxv. An Act for improving and maintaining the Harbour or Port of *Port Gordon* in the County of *Banff.*

xxvi. An Act for lighting with Gas *Bacup*, *Waterfoot*, *Newchurch*, *Rawtenstall*, *Crawshaw Booth*, and other Places in the Forest of *Rossendale* in *Lancashire.*

xxvii. An Act for supplying with Water the Town and Municipal Borough of *Clitheroe* in the County of *Lancaster.*

xxviii. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to widen certain Streets in and otherwise improve the said City; to raise a further Sum of Money; and for other Purposes.

xxix. An Act to amend an Act intituled *An Act for incorporating the* Madras *Railway Company, and for other Purposes connected therewith.*

xxx. An Act for better supplying the Inhabitants of the Parish of *Harrow* in the County of *Middlesex* with Water.

xxxi. An Act for the Improvement of the City of *Hereford*, and for other Purposes, and of which the Short Title is "The *Hereford* Improvement Act, 1854."

xxxii. An Act for building a Bridge over the River *Tame*, to connect the Borough of *Ashton-under-Lyne* with the Township of *Dukinfield.*

xxxiii. An Act for more effectually lighting with Gas the Town of *Cardiff* and certain Parishes adjacent thereto in the County of *Glamorgan.*

xxxiv. An Act for making and maintaining Docks in the Borough and County of *Newcastle-upon-Tyne.*

xxxv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Weymouth* and *Melcombe Regis* in the County of *Dorset* to provide Market Houses for the Sale of certain marketable Commodities, and to erect and maintain an improved Pier or Landing Place within the Borough; and for other Purposes.

xxxvi. An Act to repeal the Act relating to the *Ridghill and Lanes and Holehouse* Turnpike Road, and to make other Provisions in lieu thereof.

xxxvii. An Act to enable the Company of Proprietors of the *Birmingham* Waterworks to raise further Money.

xxxviii. An Act for the Extension of the *Manchester* Corporation Waterworks, and for other Purposes, and of which the Short Title is "The *Manchester* Corporation Waterworks Act, 1854."

xxxix. An Act to enable the *New River* Company to construct certain Sewers, Drains, and other Works in and near the Town of *Hertford;* and for other Purposes.

xl. An Act for the Improvement of the Town of *Wellington* in the County of *Salop.*

xli. An Act for paving, lighting, watching, draining, cleansing, regulating, and otherwise improving the Town of *West Hartlepool* and Part of the Township of *Stranton* in the County of *Durham;* for providing a Cemetery; and for other Purposes.

xlii. An Act to enable the *Brighton and Hove* General Gas Company to raise a further Sum of Money; and for other Purposes.

xliii. An Act for granting certain Powers to "The *National* Assurance and Investment Association."

xliv. An Act to amend the Act incorporating the *Great Indian Peninsula* Railway Company, and for other Purposes connected therewith.

xlv. An Act for making new Docks and other Works at *Belfast*, and for other Purposes, and of which the Short Title is "The *Belfast* Dock Act, 1854."

xlvi. An Act for more effectually protecting certain Lands forming Part of the *Rossall* Estate in the Township of *Thornton* in the Parish of *Poulton le Fylde* in the County of *Lancaster* from Inundation by the Sea.

xlvii. An Act to renew the Term and continue certain of the Powers of an Act passed in the Seventh Year of the Reign of his Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* South Shields *to* White Mere Pool, *and from thence to join the* Durham and Newcastle *Turnpike Road at* Vigo Lane, *with a Branch from* Jarrow Slake *to* East Boldon, *all in the County of* Durham.

xlviii. An Act to renew the Term and continue the Powers of an Act passed in the Ninth Year of the Reign of his Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Roads from* Kippings Cross *to* Wilsley Green, *and from a place near* Goudhurst Gore *to* Stilebridge, *and from* Underden Green *to* Wanshutts Green, *all in the County of* Kent.

xlix. An Act for more effectually paving, lighting, and improving the Town of *Abergavenny* in the County of *Monmouth*, for maintaining the Markets within such Town, and for supplying the same with Water.

l. An Act to create a further Term in the *Buckingham and Towcester* Road, and to amend and extend the Act relating thereto; and for other Purposes.

li. An Act for better supplying with Water the Parish and Environs of *Louth* in the County of *Lincoln*.

lii. An Act for making a Street from *Bothwell Street* to *Saint Vincent Street* in the City of *Glasgow*.

liii. An Act for enabling the *South Staffordshire* Railway Company to make Branch Railways to *Cannock* and *Norton*, to acquire additional Lands in the Parish of *Wednesbury*, and for other Purposes.

liv. An Act to incorporate the Guild of Literature and Art, and to enable it to hold Land.

lv. An Act to consolidate and amend the Acts relating to the *Imperial* Gaslight and Coke Company, and to increase the Capital of the Company.

lvi. An Act for improving the Harbour, reconstructing the Pier, and defining the Limits of the Port and Harbour of *Saint Mawes* in the County of *Cornwall*.

lvii. An Act for authorizing the *Newcastle-upon-Tyne and Carlisle* Railway Company to raise further Monies for the Purposes of their Undertaking; and for other Purposes.

lviii. An Act for enabling the *Lancashire and Yorkshire* Railway Company to construct a Railway from *Kirkdale* to the *Liverpool* Docks, with connecting Lines there; and for other Purposes.

lix. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct a Branch Railway to near *Middleton* in the County of *Lancaster;* and for other Purposes.

lx. An Act for enabling the *Whittle Dean* Water Company to extend their Works, and to obtain a further supply of Water from certain Rivers and Streams in the County of *Northumberland*, in order to afford a better Supply of Water to the Inhabitants of *Newcastle-upon-Tyne*, *Gateshead*, and other Places in the Counties of *Northumberland* and *Durham;* and for consolidating and amending the Acts relating to such Company.

lxi. An Act to enable the *London, Brighton, and South Coast* Railway Company to enlarge their Stations at *New Cross*, the *Bricklayers Arms*, and *Norwood;* to widen the Branch Railway called "The *Thames Junction* Railway," and their Main Line of Railway in the Neighbourhood of such Branch; to increase their Capital, and to establish a Provident Institution for their Servants and Workmen; and for other Purposes.

lxii. An Act to authorize the Parliamentary Trustees on the River *Clyde* and Harbour of *Glasgow* to raise a further Sum of Money, and to fund the Debt of the Trust; and for other Purposes.

lxiii. An Act for repealing an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, for establishing a Market for the Sale of Cattle in the Parish of *Saint Mary Islington* in the County of *Middlesex*.

lxiv. an Act for making a Railway from the *Whitehaven and Furness* Junction Railway near *Whitehaven* to *Egremont* in the County of *Cumberland*, with a Branch therefrom to *Frizington* in the same County, to be called the *Whitehaven, Cleator, and Egremont* Railway; and for other Purposes.

lxv. An Act for amending "The *East London* Waterworks Act, 1853."

lxvi. An Act for better supplying with Water the Town of *Padiham* and the Neighbourhood thereof, and the Villages of *Habergham* or *Cheapside* and *Lower Houses* or *Thornhill Holme*, all in the Parish of *Whalley* in the County of *Lancaster*.

lxvii. An Act for the Improvement of the Town of *Burnley* and Parts of the Neighbourhood thereof, and for other Purposes, and of which the Short Title is "The *Burnley* Improvement Act, 1854."

lxviii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway to *Caterham* in the County of *Surrey*.

lxix. An Act for granting further Powers to the *Eastern Union* Railway Company with respect to the Extension to *Woodbridge*.

lxx. An Act to enable the *Stockton, Middlesbrough, and Yarm* Water Company to supply with Water the Township of *Norton* in the County of *Durham*, and the Townships of *Coatham* and *Redcar* in the North Riding of the County of *York*, and other Places on the Line of the Mains and Pipes of the Company; and to enable the Company to raise a further Sum of Money; and to Amend the Act relating to the Company; and for other Purposes.

lxxi. An Act to repeal certain Acts relating to the *Petworth* Turnpike Roads, and to make other Provisions in lieu thereof.

lxxii. An Act to enable the *New River* Company to construct new Reservoirs and other Works in the County of *Middlesex*.

lxxiii. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to purchase all or any Estates, Rights, and Interests existing in the Lands or Grounds upon or adjoining to which the Railway of the said Company, called "The *Pontop and South Shields* Railway," has been formed, or otherwise to occupy such Lands or Grounds.

lxxiv. An Act for maintaining the Turnpike Road from *Greenhead*, through *Haltwhistle*, *Hexham*, and *Corbridge*, to the Military Road near *Shildon Bar*, and the Branch Road from *Corbridge* to *Heddon-on-the-Wall*, all in the County of *Northumberland*.

lxxv. An Act to create a further Term in the *Trowbridge* Roads, to add other Roads to the Trust, to amend and extend the Act relating to the said Roads, and for other Purposes.

lxxvi. An Act to enable the *Furness* Railway Company to raise a further Sum of Money; and for the Amendment of the Acts relating to the said Company.

lxxvii. An Act to make Provision with respect to Water Supply and Police for *Shipley*, *Baildon*, and *Windhill* in the West Riding of the County of *York*.

lxxviii. An Act to incorporate " The *Kingston-upon-Thames* Gas Company," and to enable them to light with Gas the Parishes of *Kingston*, *Long Ditton*, and *Thames Ditton* in the County of *Surrey*.

lxxix. An Act for enabling the *Blyth and Tyne* Railway Company to construct Railways to *Tynemouth* and the *Longhirst* Station of the *York*, *Newcastle*, *and Berwick* Railway in the County of *Northumberland;* and for consolidating and amending the Acts relating to such Company.

lxxx. An Act to enable the *North London* Railway Company to construct a Station or Depot near to the New Metropolitan Cattle Market; to raise additional Capital; and for other Purposes.

lxxxi. An Act to repeal an Act for inclosing the Marsh in the Township of *Newport* in the County of *Salop*, and to vest the same and other Property in Trustees for paving, draining, cleansing, and otherwise improving the Town of *Newport;* and for other Purposes.

lxxxii. An Act to amend " the *Nene Valley* Drainage and Navigation Improvement Act, 1852," and to provide additional Funds for carrying out certain of the Improvements authorized by such Act.

lxxxiii. An Act for regulating and improving the Town of *Ryde* in the *Isle of Wight*, and providing a Supply of Gas and Water thereto, and for other Purposes.

lxxxiv. An Act to repeal an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for more effectually constituting and regulating the Court of Record within the Borough of* Manchester, *and for extending the Jurisdiction of the said Court*, and to extend the Powers and Jurisdiction of the said Court, and to simplify and otherwise improve its Practice and Proceedings; and for other Purposes.

lxxxv. An Act for enabling the *Cornwall* Railway Company to make certain Modifications in their Share Capital; and for other Purposes.

lxxxvi. An Act for making a Turnpike Road from *Chester* by *Farndon* to *Worthenbury*, with a Branch therefrom to the Village of *Farndon*.

lxxxvii. An Act to consolidate and extend the Powers of the *Accrington* Gas and Water Works Company, and to enable them the better to supply with Gas and Water the Townships and Places of *Old Accrington*, *New Accrington*, *Church*, *Lower Booths*, and *Huncoat*, in the Parish of *Whalley*, and the Extra-parochial Place of *Henheads*, all in the County of *Lancaster*, and to sell or lease their Undertaking to the Local Board of Health for the District of *Accrington*; and for other Purposes.

lxxxviii. An Act to establish a General Cemetery for the Borough of *Doncaster*, and for other Purposes.

lxxxix. An Act to extend the Powers of the Commissioners of Sewers for the Levels of *Havering*, *Dagenham*, and other Places, and to enable them to construct Sewers in the Parishes of *West Ham*, *East Ham*, and *North Woolwich*.

xc. An Act for the better supplying with Water the Parliamentary Burgh or Town of *Hamilton* and Suburbs thereof.

xci. An Act to incorporate the *Birmingham and Midland* Institute, to define its Constitution, and to enable the Council of the Borough of *Birmingham* to grant a Site for the Institute Buildings.

xcii. An Act for improving the Harbour of *Blyth* in the County of *Northumberland*, and for constructing Docks there; and for other Purposes.

xciii. An Act to enable the *Crystal Palace* Company to divert certain Roads, and to take and let Land on Lease; and for other Purposes.

xciv. An Act to incorporate "The *Surrey Consumers* Gaslight and Coke Association," and to enable them to raise further Sums of Money; and for other Purposes.

xcv. An Act to repeal the Acts relating to the Turnpike Road from *Gloucester* through *Painswick* to *Stroud*, and make other Provisions in lieu thereof.

xcvi. An Act to enable the *Cork and Bandon* Railway Company to make a Branch Railway to *Skibbereen*, and to raise further Capital for the *Cork and Bandon* Railway; and for other Purposes.

xcvii. An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the* Wadsley and Langset *Turnpike Road, and extending the same in Two Lines to join the* Huddersfield and Woodhead *Turnpike Road in the Townships of* Upperthong *and* Honley *in the West Riding of the County of York*, and to continue the Term thereby granted, so far as the said Act and the Term thereby granted relate to the *New Mill* District of Road therein mentioned.

xcviii. An Act to alter the Site of the new Bridge authorized to be erected over the River *Foyle* at *Londonderry*, and to make Approaches thereto.

xcix. An Act for providing Waterworks, Gasworks, and public Baths and Wash-houses for the Town and Borough of *Beccles* in the County of *Suffolk*.

c. An Act to incorporate the *Hull* General Cemetery Company, and to enlarge and improve their Cemetery; and for other Purposes.

ci. An Act for the further Improvement of *Kingston-upon-Hull*, and for other Purposes.

cii. An Act for paving, lighting, watching, draining, supplying with Water, watering, cleansing, regulating, and otherwise improving the Town of *Llandudno* in the County of *Carnarvon*, for making a Cemetery, and for establishing and regulating a Market and Market Places therein; and for other Purposes.

ciii. An Act for more effectually repairing several Roads adjoining or near to the Town of *Bideford*, and for making several Lines of Road connected with the same, all in the County of *Devon*.

civ. An Act for regulating the Police of the Royal Burgh of *Lanark*, and for paving, draining, cleansing, lighting, watching, and improving the same, for regulating the Markets thereof; and for other Purposes.

cv. An Act for more effectually repairing the Roads in the Counties of *Worcester* and *Stafford* known as the *Dudley*, *Halesowen*, and *Bromsgrove* District of Roads.

cvi. An Act to embank and reclaim from the Sea certain Waste Lands subject to be overflowed by the Tide, called *Tacumshin Lake*, in the County of *Wexford*.

cvii. An Act to authorize the making certain Roads and stopping up certain Lanes and Footways between *Kensington Gore* and *Brompton* in the County of *Middlesex*, and for otherwise facilitating the Formation of a Site for Institutions connected with Science and the Arts.

cviii. An Act for enabling the *Great Western* Railway Company to provide additional Station Accommodation at *Birmingham*, *Wolverhampton*, and *Bushbury;* and for other Purposes.

cix. An Act to repeal an Act for enlarging the Term and Powers of an Act of His late Majesty *George* the Third, for repairing the Road from *Saint Martin Stamford Baron* to *Kettering*, and from *Oundle* to *Middleton Lane*, in the County of *Northampton*, and to make other Provisions in lieu thereof.

cx. An Act for supplying with Water the Parishes of *Bangor*, *Llandegai*, and *Llanllechid*, and with Gas the Parish of *Bangor*.

cxi. An Act for the Improvement of the Town of *Bethesda* and Neighbourhood in the County of *Carnarvon*.

cxii. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to make new Canals and other Works; and for other Purposes.

cxiii. An Act for establishing Parks in or near to the Borough of *Birmingham*.

cxiv. An Act for constructing a Market House and other Buildings for Public accommodation at *Chesterfield* in the County of *Derby*, and for the better Regulation and Maintenance of the Market there.

cxv. An Act for making a Railway from the *Stockton and Darlington* Railway near *Darlington* to or near to *Barnard Castle*, both in the County of *Durham*, and for making Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

cxvi. An Act for making a Railway from the *Dowlais* Railway to the *Vale of Neath* Railway at *Merthyr Tydfil*, and for other Purposes, and of which the Short Title is "The *Dowlais* Railway Act, 1854."

cxvii. An Act for vesting in the *East Lancashire* Railway Company jointly with the *Lancashire* and *Yorkshire* Railway Company certain Parts of the *Manchester* and *Southport* Railway and of the *Lancashire and Yorkshire* Railway; and for other Purposes.

cxviii. An Act to amend "The *Edinburgh* Police Act, 1848," and to make further Provision for Sewerage, Drainage, and Improvement of the City of *Edinburgh*, for deepening and cleansing the Water of *Leith*, and for other Purposes.

cxix. An Act for making a Railway in Deviation and Extension of the *Halesworth*, *Beccles*, *and Haddiscoe* Railway from *Westhall Low Common* to *Woodbridge*, and certain Branches therefrom, and for changing the Name of the Company to the *East Suffolk* Railway Company.

cxx. An Act to amend the Provisions of certain Acts relating to the *Shrewsbury and Chester* Railway Company, and for other Purposes.

cxxi. An Act to enable the *South Sea* Company to realize and divide their Capital Stock and Assets.

cxxii. An Act for enabling the *South Devon* Railway Company to improve their *Sutton Harbour* Branch, and for other Purposes, and of which the Short Title is "The *South Devon* Railway (*Sutton Harbour* Branch) Act, 1854."

cxxiii. An Act to continue the Term and to amend and extend the Provisions of the Act relating to the *Winchester and Petersfield* Turnpike Road; and for other Purposes.

cxxiv. An Act to make further Provision for supplying with Water the Borough of *Bradford* and certain Places in the Neighbourhood thereof.

cxxv. An Act for the Regulation of the Municipal Corporation of the Borough of *Yeovil* in the County of *Somerset*, and for the Extension of the Boundaries of the said Borough, and for the Improvement of the said Borough.

cxxvi. An Act for the Conservancy and Improvement of *Swansea* Harbour, and for other Purposes, and of which the Short Title is "The *Swansea* Harbour Act, 1854."

cxxvii. An Act for making a Railway from the *Great Northern* Railway at or near *Welwyn* in the County of *Hertford* to *Hertford* in the same County, to be called the "*Hertford and Welwyn* Junction Railway;" and for other Purposes.

cxxviii. An Act for authorizing the *Stockton and Darlington* Railway Company to make new Works, and for other Purposes, and of which the Short Title is "The *Stockton and Darlington* Railway Act, 1854."

cxxix. An Act for better supplying with Water the Borough of *Bradford* in the County of *York*.

cxxx. An Act to authorize certain Improvements in or in connexion with the *Lowestoft* Harbour, and for other Purposes.

cxxxi. An Act for constructing a Bridge for Foot Passengers across the River *Clyde* opposite to the North End of *MacNeil Street* in the City of *Glasgow*.

cxxxii. An Act for making a Railway from the *Great Southern and Western* Railway near *Mallow* to *Fermoy*, to be called "The *Mallow and Fermoy* Railway;" and for other Purposes.

cxxxiii. An Act to alter the Line of the *London, Tilbury, and Southend* Extension Railway, to authorize the Lease thereof, and the Purchase of the Railway and certain Parts of the Works belonging to the *Thames Haven* Dock and Railway Company; and for other Purposes.

cxxxiv. An Act for Removal of Toll Bars beyond the Parliamentary Boundaries of the City of *Edinburgh*, and for other Purposes.

cxxxv. An Act to enable the *Londonderry and Enniskillen* Railway Company to make a Branch Railway to *Fintona*, and to extend their Line at *Londonderry*; and for other Purposes.

cxxxvi. An Act for making a Railway from the *Irish South-eastern* Railway at *Bagenalstown* to *Wexford*, to be called "The *Bagenalstown and Wexford* Railway."

cxxxvii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Brighton*, *Cuckfield*, and *Lovell Heath*, and *Cuckfield* and *West Grinsted* Turnpike Roads.

cxxxviii. An Act to authorize the Extension by the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway Company, of their Line of Railway into the Town of *Nottingham*, the Formation of a Station there; and for other Purposes.

cxxxix. An Act to give further Powers to the *Law* Life Assurance Society with respect to the Investment of the Funds of the Society.

cxl. An Act to authorize the Trustees of the *Rochdale and Burnley* Turnpike Roads to take Toll in respect of the Carriages of certain Stones.

cxli. An Act for enabling the *North* and *South Western* Junction Railway Company to raise additional Capital, and for other Purposes.

cxlii. An Act to amend the *Tralee and Killarney* Railway Act, 1853.

cxliii. An Act for making a Railway from *Horncastle* in *Lincolnshire* to the *Kirkstead* Station of the *Great Northern* Railway.

cxliv. An Act for making a Railway from the *Shrewsbury and Hereford* Railway at *Leominster* to *Kington* in *Herefordshire*.

cxlv. An Act for more effectually repairing the Road from the *Toll House Beck* in the Township of *Ireby* in the County of *Lancaster* to *Kirkby Lonsdale* and *Kirkby Kendal* in the County of *Westmoreland*, and through *Kirkby Lonsdale* to *Milnthorpe* in the said County.

cxlvi. An Act for making a Railway from the *Ayr and Dalmellington* Railway near the *Cothouses* on the Farm of *Pleasantfield* to the Town of *Maybole*, to be called "The *Ayr and Maybole Junction* Railway."

cxlvii. An Act for supplying the Township of *Stourbridge* and the Neighbourhood thereof with Water.

cxlviii. An Act for making a Railway from the *Scottish Midland* Junction Railway near *Stanley* to *Birnam* near *Dunkeld* in the County of *Perth.*

cxlix. An Act to authorize the *Shrewsbury and Hereford* Railway Company to provide Station Accommodation in *Shrewsbury* and *Hereford*, and to enter into Arrangements and Agreements with the *Hereford*, *Ross*, *and Gloucester* Railway Company.

cl. An Act for making a Railway from the Town of *Llandovery* in the County of *Carmarthen* to join the *Llanelly* Railway at *Llandilofawr* in the same County, and for other Purposes.

cli. An Act to incorporate a Company for making a Railway from near the *Picton* Station on the *Leeds Northern* Railway to near the *Grosmont* Station on the *Whitby and Pickering* Branch of the *York and North Midland* Railway, and for other Purposes.

clii. An Act to repeal the Act relating to the *Thirsk and Yarm* Turnpike Road, and to make other Provisions in lieu thereof, and to grant a further Term in the said Road; and for other Purposes.

cliii. An Act to enable the *Eastern Counties* Railway Company to enlarge and improve their Goods Station in the Parish of *Saint Matthew Bethnal Green* in the County of *Middlesex.*

cliv. An Act to enable the granting Building Leases of Parts of the *Camden Town* Cemetery belonging to the Parish of *Saint Martin in the Fields* not heretofore used for the Purpose of Interment, and for other Purposes.

clv. An Act to enable the *Caledonian* Railway Company to make certain Branch Railways and other Works in the County of *Lanark;* and for other Purposes.

clvi. An Act for altering the Lines authorized by the *Caledonian* Railway (*Lesmahagow* Branches) Act, 1851, and for otherwise amending that Act.

clvii. An Act to confer further Powers on the *Dukinfield* Gas Company.

clviii. An Act for enabling the *South Wales* Railway Company to acquire additional Land at *Swansea*, and for enlarging the Powers of Lease or Sale to and Contribution by the *Great Western* Railway Company, and for authorizing Arrangements between the *South Wales* Railway Company and the *Vale of Neath* Railway Company, and for other Purposes.

clix. An Act for the Improvement of the Borough of *Bolton*, and for other Purposes, and of which the Short Title is "*Bolton* Improvement Act, 1854."

clx. An Act for making a Railway from the *Leeds, Bradford, and Halifax Junction* Railway near *Leeds* to *Wakefield*, all in the West Riding of the County of *York*, to be called "The *Bradford, Wakefield, and Leeds* Railway;" and for other Purposes.

clxi. An Act for the Improvement and Regulation of the Town of *Lowestoft*, and the Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley*, in the County of *Suffolk*, and for other Purposes.

clxii. An Act to enable the *Leeds, Bradford, and Halifax Junction* Railway Company to construct a Railway in extension of and to alter the Levels of Part of their Railway from *Gildersome Street* to *East Ardsley*, in the West Riding of the County of *York;* and for other Purposes.

clxiii. An Act for the better paving, draining, lighting, cleansing, and otherwise improving the Parish of *West Bromwich* in the County of *Stafford*, and for constructing Cemeteries there, and for making, maintaining, and regulating Markets and Market Places therein; and for other Purposes.

clxiv. An Act to confer additional Powers on the *York, Newcastle, and Berwick* Railway Company for constructing Docks at *Jarrow Slake*, and a Branch Railway thereto; and to enable the Dean and Chapter of *Durham* to appropriate a Portion of the Money payable to them for the Purchase of Lands for the same to the Endowment of a Church; and for other Purposes.

clxv. An Act to repeal the Act for more effectually repairing and maintaining the Turnpike Road from *Chapel-en-le-Frith* to or near to *Enterclough Bridge* in the County of *Derby*, and other Roads therein mentioned, in the County of *Derby* and in the County Palatine of *Chester;* and to make other Provisions in lieu thereof.

clxvi. An Act to re-incorporate the Patent Solid Sewage Manure Company, and to extend its Powers.

clxvii. An Act for supplying with Gas the Townships of *Farnworth* and *Kearsley* in the County Palatine of *Lancaster*.

clxviii. An Act to enable the *Bangor and Caernarvon* Railway Company to raise additional Capital, and to authorize the Sale or Lease of the said Company's Railway to the *Chester and Holyhead* Railway Company.

clxix. An Act for the Provision, Regulation, and Maintenance of County Industrial Schools in *Middlesex*.

clxx. An Act for the Embankment, Reclamation, and Drainage of Lands in the Bay of *Bannow* in the County of *Wexford*.

clxxi. An Act to amend the Acts relating to the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway Company, and to authorize the Reduction and Regulation of and certain Arrangements as to the Capital of the said Company; and for other Purposes.

clxxii. An Act for more effectually draining certain Fen Lands and Wet Grounds called "The *Great West Fen*," in the Parish of *Hilgay* in the County of *Norfolk*.

clxxiii. An Act for more effectually repairing the Road from *Stourbridge* in the County of *Worcester* to *Bridgnorth* in the County of *Salop*.

clxxiv. An Act to enable the *Shrewsbury and Hereford* Railway Company to lease their Undertaking.

clxxv. An Act to enable the *Dublin and Wicklow* and the *Dublin and Kingstown* Railway Companies to alter certain existing Contracts therein mentioned; and for other Purposes.

clxxvi. An Act for making a Railway from the Town of *Inverness* to the Town of *Nairn*.

clxxvii. An Act to consolidate the several Acts relating to the Port and Harbour of *Londonderry;* for the Improvement of the Navigation of the Lough and River of Lough *Foyle;* and to authorize the Construction of a uniform Line of Quays, Docks, and other Works.

clxxviii. An Act for the more effectual Drainage and Improvement of certain Lands in the Wapentake of *Ouse* and *Derwent* in the East Riding of the County of *York*, and for other Purposes.

clxxix. An Act to reduce the Capital and define the Undertaking of the *Shropshire* Union Railways and Canal Company.

clxxx. An Act for making a Railway from the Town of *Wells* to join the *Norfolk* Railway at *Fakenham* to be called "The *Wells and Fakenham* Railway."

clxxxi. An Act to enable the Local Board of Health for the Township of *Darlington* to supply Gas and Water within their District, and to purchase the Works of the *Darlington* Gas and Water Company; to establish and regulate Markets and Slaughter-houses, and a Public Park; to construct Sewage Works, and raise Money; and for other Purposes.

clxxxii. An Act for vesting the *Ardrossan* Railway in the *Glasgow and South-western* Railway Company, and for other Purposes.

clxxxiii. An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of *Blackburn* all the Powers and

Property now vested in "The *Blackburn* Improvement Commissioners," and certain Powers and Property by the Private Act of the Fourth and Fifth Years of the Reign of Her present Majesty, Chapter Forty-six, vested in the Overseers of the Poor of the Township of *Blackburn*, authorizing the Corporation to purchase the Property of the *Blackburn* Waterworks Company, and conferring on them further Powers for the Improvement and Regulation of the Borough; and for other Purposes.

clxxxiv. An Act for vesting in the *Caledonian* Railway Company certain Portions of the Undertaking of the *General Terminus and Glasgow Harbour* Railway Company.

clxxxv. An Act to enable the *Newport* Dock Company to construct a new Dock and other Works; and for other Purposes.

clxxxvi. An Act to enable the *Portsmouth* Railway Company to make certain Alterations in the Line and Levels of their Railway, and to extend their said Line from *Godalming* to *Shalford;* and for other Purposes.

clxxxvii. An Act to authorize the *Great North of Scotland* Railway Company to divert their Railway, to make a short Branch to the *Victoria* Docks at *Aberdeen*, to enter into Arrangements with the *Aberdeen Harbour* Commissioners and the *Aberdeen* Railway Company with respect to a Tramway to connect the Two Railways; and for other Purposes.

clxxxviii. An Act for the more effectual Drainage and Improvement of certain Lands in the Parish of *Methwold* in the County of *Norfolk*, and for other Purposes.

clxxxix. An Act for making a Railway from the *South Devon* Railway near *Plymouth* to *Tavistock*, with a Branch to be called "The *South Devon and Tavistock* Railway," and for other Purposes.

cxc. An Act for incorporating and regulating a Company to be called "The Royal Conical Flour Mill Company," and to enable the said Company to purchase, work, and use certain Letters Patent; and for other Purposes.

cxci. An Act to enable the *Newport and Pillgwenlly* Waterworks Company to increase and extend their supply of Water, and to construct new Works; and for other Purposes.

cxcii. An Act for authorizing Arrangements with respect to the *South Reserve* at *Birkenhead*, and for other Purposes, and of which the Short Title is "The *Birkenhead* Dock Trustees Act, 1854."

cxciii. An Act for making a Railway from *Rhymney* to a Point of Junction with the *Newport, Abergavenny, and Hereford* Railway near *Bedllewyn*, with a Branch up the *Bargoed*

Rumney Valley, to be called "The *Rhymney* Railway," and for other Purposes.

cxciv. An Act to enable the *North Staffordshire* Railway Company to make a Railway from *Stoke-upon-Trent* to *Congleton*, with Branches therefrom.

cxcv. An Act to repeal, alter, amend, and extend some of the Powers and Provisions of "The *Tees* Conservancy and *Stockton* Dock Act, 1852," and for other Purposes relating to the Conservancy of the *Tees*.

cxcvi. An Act for making a Turnpike Road from *Garth-Penbryn* to *Adwyddu* in the County of *Merioneth*, with a Bridge over the Estuary of *Traethbach* in the said County.

cxcvii. An Act to incorporate a Company for the Purpose of lighting with Gas the Parishes of *Tormoham* and *Saint Mary Church* in the County of *Devon*.

cxcviii. An Act for Transferring to a Company the Powers vested in the Commissioners under "The *North Shields* Quay Act, 1851."

cxcix. An Act for making a Railway from the Town and Royal Burgh of *Selkirk* to the *Hawick* Branch of the *North British* Railway, about a Mile Southwards from the *Galashiels* Station of the said Branch; and for other Purposes.

cc. An Act for making a Railway from the *London and North-western* Railway near *Stockport* to *Disley* and *Whaley Bridge*, all in the County of *Chester;* and for other Purposes.

cci. An Act for authorizing the Transfer to the *London and North-western* Railway Company of the *Haydon Square* Branch of the *London and Blackwall* Railway, and for other Purposes; and of which the Short Title is "The *London and North-western* Railway Act, 1854."

ccii. An Act for enabling The *Great Western* Railway Company to make a Branch Railway to connect The *Berks and Hants* Railway with the Main Line of The *Great Western* Railway near *Reading;* for extending the Time for Completion of Parts of the *Wilts, Somerset, and Weymouth* Railway, and for reviving the Powers for Purchase of Land for, and for completing other Portions of that Railway; and for other Purposes.

cciii. An Act for limiting the Liability of the Shareholders in the *Electric Telegraph* Company, and for granting additional Powers to such Company.

cciv. An Act for determining the existing Lease of the *West London* Railway to the *London and North-western* Railway Company, and for enabling the last-mentioned Company and the *West London* Railway Company to enter into fresh Arrangements for the Sale or Lease of the Undertaking of the *West London* Railway Company to the *London and North-western* Railway Company, and for the Settlement of all Disputes between the said Companies; and for other Purposes.

ccv. An Act for making a Railway from the Parish of *Saint John the Evangelist* in the City and Liberty of *Westminster* to *Clapham* in the County of *Surrey*, with a Branch from such Railway to join the authorized Line of the *West End of London and Crystal Palace* Railway at *Long Hedge Farm* in the Parish of *Saint Mary Battersea* in the County of *Surrey*.

ccvi. An Act to extend the Powers of the *Cork and Waterford* Railway Company, and to enable them to abandon Part of their Railway to *Waterford*, and the Branch to *Tranmore;* and for other Purposes.

ccvii. An Act to alter the Lines and Levels of the *Stratford-upon-Avon* and *Stourbridge* Branches of the *Oxford, Worcester, and Wolverhampton* Railway; to construct certain Branch Railways and Works connected therewith; to amend the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; and for other Purposes.

ccviii. An Act to authorize Agreements between the *Direct London and Portsmouth* Railway Company and the *Portsmouth* Railway Company, and for winding up the Affairs of the *Direct London and Portsmouth* Railway Company.

ccix. An Act for enabling the *Oxford, Worcester, and Wolverhampton* Railway Company to construct a Branch Line of Railway to the Town of *Chipping Norton* in the County of *Oxford*, and for regulating the Working and Use of the same by such Company.

ccx. An Act to enable the *West End of London and Crystal Palace* Railway Company to make a Railway from *Norwood* to *Bromley* and *Farnborough*, and for other Purposes.

ccxi. An Act to dissolve the *York and North Midland* and *Leeds Northern* Railway Companies, and to vest their Undertakings in the *York, Newcastle, and Berwick* Railway Company, to be thenceforth called "The *North-eastern* Railway Company," and to alter the Constitution of that Company, and to authorize working Arrangements with the *Malton and Driffield Junction* Railway Company, and the Amalgamation of that Company with such United Company; and for other Purposes.

ccxii. An Act for making a Railway from the *Newcastle-upon-Tyne and Carlisle* Railway, at or near *Hexham* in the County of *Northumberland*, to or near the *Belling* in the Parish of *Falstone* in the same County, to be called "The *Border*

Border Counties Railway (*North Tyne* Section);" and for other Purposes.

ccxiii. An Act for relieving the *Ratcliff* Gaslight and Coke Company, and their Servants and Agents, from certain Penalties and Penal Actions.

ccxiv. An Act to authorize Working Arrangements between the *Ambergate, Nottingham, and Boston, and Eastern Junction* Railway Company and the *Great Northern* Railway Company, or Lease or Sale, to the last-named Company.

ccxv. An Act for making a Railway from the *London and South-western* Railway at *Salisbury* to *Yeovil*, and to form a Junction with the Railways at *Yeovil* of the *Great Western* and *Bristol and Exeter* Railway Companies respectively; and for other Purposes.

ccxvi. An Act to repeal and amend the Act for incorporating the *British* Guarantee Association, and to make further Provisions as to the Management and Regulation thereof.

ccxvii. An Act to transfer the *Paisley* Waterworks to the Magistrates and Council of *Paisley*, and to enable them to construct additional Works for supplying *Paisley*, *Johnstone*, and Places adjacent, with Water.

ccxviii. An Act for making a Railway from the *South Wales* Railway at or near the Borough of *Carmarthen* to the Town of *Newcastle Emlyn*, with a view of being hereafter extended to the Town and Harbour of *Cardigan;* and for other Purposes.

ccxix. An Act to repeal an "Act for better regulating the Poor within the City of *Oxford*," and to grant further and more effectual Powers in lieu thereof; and also to provide for rating to the Relief of the Poor certain Hereditaments within the University of *Oxford*.

ccxx. An Act for authorizing and confirming Arrangements and Agreements between the *Eastern Counties* Railway Company and all or any of the *Norfolk*, the *Eastern Union*, the *East Anglian*, and the *Newmarket* Railway Companies, and for other Purposes; and of which the Short Title is "The *Eastern Counties*, and the *Norfolk*, the *Eastern Union*, the *East Anglian*, and the *Newmarket* Railways Act, 1854."

ccxxi. An Act to alter and extend the *North Metropolitan* Railway, and to consolidate and amend the Provisions relating thereto.

ccxxii. An Act to authorize the Consolidation into One Undertaking of the *Great Western*, the *Shrewsbury and Birmingham*, and the *Shrewsbury and Chester* Railways, and the Union into One Company of the Three several Companies to whom the said Railways respectively belong.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize Sir *William Milborne Milborne Swinnerton*, Baronet, and his Issue, to resume and bear the Surname of *Pilkington* jointly with the Surnames of *Milborne* and *Swinnerton*, and to be called by the Surnames of *Milborne Swinnerton Pilkington*, and for such Purposes to repeal in part an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth.
2. An Act to amend "*Fleming's* Estate Act, 1852."
3. An Act for effecting an Extinguishment of the Life Estate and Interest of Mistress *Violetta Masters* and the Trustee of her Marriage Settlement of and in a Freehold Close or Parcel of Land situate in the Parish of *Saint Margaret, Leicester*.
4. An Act to enable the Trustees of the Estates of *Henry Smith*, Esquire, deceased, or any Seven or more of them, to grant Building Leases of an Estate in the Parishes of *Kensington, Chelsea*, and *Saint Martin in the Fields* in the County of *Middlesex*, and for the confirmation of certain Leases, and to enable Seven or more of the said Trustees to make Leases and Estates, pursuant to the Deed of Uses of the said *Henry Smith;* and for other Purposes.
5. An Act for enlarging the Powers contained in "*Thornhill's* Estate Act, 1852," and for granting further Powers in respect of the *Thornhill* Estate.
6. An Act for authorizing the granting of Building Leases of Lands held under the Will of *William Green* deceased, situate at *Runworth* in the County of *Lancaster*.
7. An Act for granting Powers of Leasing, Sale, and Exchange, and other Powers, for the Management of Freehold, Copyhold, and Leasehold Estates devised by or which now stand limited to the Uses of the Will of the Right Honourable *George Obrien* Earl of *Egremont* deceased.
8. An Act for authorizing the Sale of Estates devized by the Will of *John Fowler* deceased, and for other Purposes; and of which the Short Title is "*Fowler's* Estate Act, 1854."
9. An Act for the Distribution of the Compensation paid under the *London Necropolis and National Mausoleum Act*,

Act, 1852, for the extinction of the Commonable or other Rights over and in *Woking Common;* and whereof the Short Title is "*Woking* Commoners Act, 1854."

10. An Act to enable certain Persons to grant Leases for Building and Mining Purposes of the Estates in the Parishes of *Penderryn* and *Ystradfellte* in the County of *Brecon*, devised by the Will of the Reverend *Reynold Davies* Clerk, deceased.
11. An Act for enabling Sales to be made of Estates at *Manningham* in the Parish of *Bradford*, and at *Idle* in the Parish of *Calverley*, both in the West Riding of the County of *York*, devised by the Will of *William Snell;* and for other Purposes.
12. An Act to incorporate the Craft of Shoemakers of the Burgh of *Aberdeen;* to confirm the Titles and Conveyances, and to regulate the Administration of the Estates and Affairs, of the said Craft; and for other Purposes relating to the Society.
13. An Act for enabling Leases, Sales, and Exchanges to be made of Lands subject to the Will of *George Ward* deceased, and for other Purposes, and of which the Short Title is "*Ward's* Estate Act, 1854."
14. An Act for the better Division and Management of certain Estates in the County of *Lancaster*, the Property of *Abraham* and (the late) *Alfred Darby* Esquires.
15. An Act for authorizing the granting of Leases of Mines in Estates in the County of *Glamorgan*, devised by the Will of the Reverend *Reynold Davies* deceased, and for other Purposes, and of which the Short Title is "*Jenkins's* Estate Act, 1854."
16. An Act to enable the Trustees of the Will of *Anthony Wilkinson* Esquire, deceased, to grant Leases.
17. An Act to empower the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford* to sell certain Lands situate in the Parish of *Hollywell* otherwise *Saint Cross* in the City of Oxford, and to lay out the Monies to arise from such Sales in the Purchase of other Hereditaments.
18. An Act to authorize the Sale of certain Messuages, Lands, and Hereditaments in the East Riding of the County of *York*, Part of the Estates devised and settled by the Will of *Bertram Osbaldeston Mitford* Esquire, deceased, and for laying out the Money produced by such Sale in the Purchase of other Estates.
19. An Act to enable the Trustees of the Right Honourable *James* Earl of *Fife* deceased to complete the Sale of the outlying Estate of *Blervie* in the County of *Moray*, and to reinvest

vest the Sale Monies in the Purchase of more convenient Estates, to be settled upon the same Trusts; and for other Purposes.

20. An Act for vesting in Trustees for Sale the settled and devised Estates of *Richard Terrick Stainforth* Esquire, deceased; and for other Purposes.
21. An Act to extend the Time during which the Trustees of the late Sir *Gilbert Stirling* of *Mansfield* Baronet were authorized to purchase Lands to be entailed in the Terms declared by certain Trust Deeds executed by him; to enable the Trustees to purchase within any Part of *Scotland*; to regulate the Powers of borrowing conferred by the said Deeds; and for other Purposes relating thereto.
22. An Act to enable the Trustees of a Settlement executed prior to the Marriage of *Thomas Thornhill*, late of *Fixby* in the County of *York*, Esquire, deceased, with *Honoria Forrester* Spinster, to grant Building and other Leases of the Estates subject to the Trusts of the said Settlement, and to sell and exchange the same; and for other Purposes.
23. An Act for incorporating the Trustees of the School and Charity Estates and Property belonging to the Parish of *Saint Catherine* in the County and County of the City of *Dublin*, for the better management of such Estates and Property, and for the due and careful Application of the Income of the same.
24. An Act to ascertain the Periods when the Division, under the Church Building Acts, of the Parish of *Stockport* in the County Palatine of *Chester* into the Two distinct and separate Parishes of *Saint Mary* in *Stockport* and *Saint Thomas* in *Stockport* shall take complete Effect, and the Exercise of the Rights of Presentation to the Rectories or Churches of the same Parishes respectively shall commence; and for other Purposes.
25. An Act to extend the Power to lease the Settled Estates of the Earl of *Harrington*, situate in the Parishes of *St Margaret Westminster* and *St Mary Abbotts Kensington* in the County of *Middlesex*, and for other Purposes; and to be entitled "The Earl of *Harrington's* Estate Act, 1854."
26. An Act for vesting certain Estates in the County of *Lincoln*, entailed by an Act of Parliament of the Twenty-seventh Year of the Reign of His Majesty King *Henry* the Eighth, in Trustees, upon trust to sell the same, and to lay out the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses as the Estates so sold.
27. An Act for vesting in Trustees, for Sale, under the Authority of the Court of Chancery, an Estate in the County of *Surrey*,

Surrey, acquired by Partition under the Decree of that Court in lieu of those undivided Shares of Freehold Property devised by the Will of *Thomas Bailey Heath Sewell* Esquire, deceased, Trusts of which are declared by that Will for the Benefit of the Testator's Son and his Issue therein described; and for investing the Monies to arise from such Sale for the Benefit of the Parties beneficially interested in the same Estate.

28. An Act to provide for the Winding-up of the Trust Affairs of the late *Hugh* Earl of *Eglinton*, and to amend the Acts relative to *Ardrossan* Harbour in the County of *Ayr ;* and for other Purposes.

29. An Act to authorize the granting of Mining and Farming Leases of Estates subject to the Uses of the Will of *Miles Staveley* Esquire.

30. An Act to authorize the granting of Building Leases for long Terms of Years of Parts of the Estates devised by the Will of *Joseph Peel* Esquire, deceased.

31. An Act to authorize the granting of Building and other Leases of the Settled Estates of *Thomas Charles Hornyold* Esquire, in the Counties of *Worcester and Hereford ;* and for other Purposes.

32. An Act for authorizing the granting of Building, Improving, and Mining Leases by the Reverend *James Allan Park* Clerk, as Tenant for Life in possession, and other Persons in succession after his Death, of Settled Estates at *Marton* in the County of *York*, comprised in an Indenture of Settlement dated the Sixteenth Day of *July* One thousand eight hundred and fifty-two ; and for other Purposes.

33. An Act for authorizing the granting of Building Leases and Leases for working Brick Earth, of Settled Estates in the County of *Essex*, of the Right Honourable *William Bernard* Lord *Petre* Baron of *Writtle* in the County of *Essex*, and of which Act the Short Title is "The *Petre* Estate Act, 1854."

34. An Act for the Partition of the *Mowbrick* otherwise *Mowbreck* Estate in the County of *Lancaster*.

35. An Act to authorize the Sale or Exchange of the Glebe Land of the Vicarage of the Parish of *Bradford* in the West Riding of the County of *York*, and of other Land in the said Parish of *Bradford*, held in trust for and to be henceforth vested in the Vicar of *Bradford ;* and to authorize Leases of the said Lands respectively ; and for other Purposes.

36. An Act for enabling the granting of Leases for Mining and other Purposes, and the making of Sales and Exchanges,

of certain Part of the Estates devised by the Will and Codicils of Sir *William Foulis* Baronet, deceased.

37. An Act for authorizing the granting of Building, Improving, and Mining Leases of Estates in the Parish of *Rochdale* in the County of *Lancaster*, comprised, as to certain undivided Shares, in the Marriage Settlement of *Marcus Worsley* and *Harriet* his Wife, and devised, as to the other undivided Shares, by the Will of *Sarah Hamer*, deceased.

38. An Act to authorize Conveyances in Fee or Demises for long Terms of Years, under reserved Rents, of certain Parts of the Settled Estates of *Charles Richard Bonastre Legh* Esquire.

PRIVATE ACTS,

NOT PRINTED.

39. An Act to relieve *Thomas Alexander* Lord *Lovat* Baron *Lovat* of *Lovat* in the County of *Inverness* from the Effect of the Attainder of *Simon* Lord *Lovat*.

40. An Act to dissolve the Marriage of *Richard Redmond Caton* Esquire with *Anna Maria* his now Wife, and to enable him to marry again; and for other Purposes.

41. An Act to dissolve the Marriage of *Henry Stocker* Schoolmaster with *Sarah Stocker* his now Wife, and to enable him to marry again; and for other Purposes.

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

ANIMALS, to amend 12 and 13 Vict. c. 92, for the more effectual Prevention of Cruelty to 59
Annuities, to repeal the Laws relating to the Enrolment of . . . 130
Assessed Taxes, to explain and amend 16 and 17 Vict. c. 90, relating to the Duties of 1

Births, to provide for the better Registration of 77
Bribery at Elections of Members of Parliament, to consolidate and amend the Laws relating to 161

Canals, for the better Regulation of the Traffic on 43
Chancery, to provide for the Payment of the Salaries of the Sheriff and Sheriff Clerk of 69
Civil Causes, to allow Verdicts on Trials by Jury in, to be returned, although the Jury may not be unanimous 58
Coasting Trade, to admit Foreign Ships to 4
Courts of Law in England, Ireland, and Scotland enabled to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom 48
Cruelty to Animals, to amend 12 and 13 Vict. c. 92, for the more effectual Prevention of 59
Customs, to alter and amend certain Duties of 33
——— to alter the Duties of, on Sugar, Molasses, and Spirits . 35
——— for the further Alteration and Amendment of the Laws and Duties of, ... 209

Deaths, to provide for the better Registration of 77

Election of Members of Parliament, to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at 161
Enrolment of Annuities, to repeal the Laws relating to 130
Excise, for granting certain additional Rates and Duties of . . . 19
——— for granting certain Duties of, on Sugar made in the United Kingdom 39

Friendly Societies; to make further Provisions in relation to certain Friendly Societies 54

Page

Gold and Silver Wares; for allowing Gold Wares to be manufactured at a lower Standard than allowed by Law, and to amend the Law relating to the Assaying of Gold and Silver Wares 157

Heritages, for the Valuation of 133

Income Tax; for granting to Her Majesty additional Duties on Profits arising from Property, Professions, Trades, and Offices 6
———— for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices . 12
———— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance of Lives 51
Industrial and Provident Societies Act, 1852, to amend 16
Industrial Schools; to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children 71
Insurance on Lives, to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of . 51

Joint Stock Banks, to amend 7 and 8 Vict. c. 113, and 9 and 10 Vict. c. 75, for the Regulation of 70
Jury, to allow Verdicts on Trial by, in Civil Causes, to be returned, although the Jury may not be unanimous 58

Libraries, to amend 16 and 17 Vict. c. 101, for extending the Public Libraries Act, 1850, to Ireland and Scotland 63
Life Insurance; to continue 16 and 17 Vict. c. 91, to extend for a limited Time the Provision for abatement of Income Tax in respect of Insurance on Lives 51

Marriages, to provide for the better Registration of 77
Members of Parliament, to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of 161
Militia; to amend the Laws relating to the Militia of the United Kingdom 8
——— for amending the Laws relating to, and raising a Volunteer Militia Force 179

Offenders (Youthful), for the better Care and Reformation of . . 126
Offices, for granting Her Majesty additional Duties on Profits arising from 6
——— for granting to Her Majesty an increased Rate of Duty on Profits arising from 12

Parliament.—*See* Members of Parliament.
Parochial Schoolmasters, to regulate the Salaries of 159
Property and Professions, for granting to Her Majesty additional Duties on Profits arising from 6
———————— for granting to Her Majesty an increased Rate of Duty on Profits arising from 12
Provident Societies Act, 1852, to amend 16
Public Libraries, to amend 16 and 17 Vict. c. 101, for extending the Public Libraries Act, 1850, to Ireland and Scotland 63

Railways, for the better Regulation of the Traffic on 43
Reformation of Youthful Offenders 126
Reformatory and Industrial Schools, to render them more available for the Benefit of Vagrant Children 71
Registration of Births, Deaths, and Marriages, to provide for the better . 77
Russian Government Securities; to render any Dealing with Securities issued during the present War between Russia and England by the Russian Government a Misdemeanor 216

Page
Schoolmasters (Parochial), to regulate the Salaries of . . . 159
Securities (Heritable), to extend the Benefits of 8 and 9 Vict. c. 31, and 10 and 11 Vict. c. 50, relating to the Constitution, Transmission, and Extinction of 62
Securities (Russian Government), to render any dealing with Securities issued during the present War between Russia and England by the Russian Government a Misdemeanor 216
Sheriff and Sheriff Clerk of Chancery, to provide for Payment of the Salaries of 69
Ships; to admit Foreign Ships to the Coasting Trade . . . 4
Silver.—*See* Gold and Silver Wares.
Spirits, to alter the Duties of Customs on 35
Stamp Duties, to amend the Laws relating to 112
Standard of Gold and Silver Wares; for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Laws relating to the Assaying of Gold and Silver Wares 157
Sugar; to alter the Duties of Customs on 35
——— for granting certain Duties of Excise on, made in the United Kingdom 39

Taxes.—*See* Assessed Taxes, Income Tax.
Trades, for granting to Her Majesty additional Duties on Profits arising from 6
——— for granting to Her Majesty an increased Rate of Duty on Profits arising from 12
Traffic on Railways and Canals, for the better Regulation of . . 43
Treating at Elections of Members of Parliament, to consolidate and amend the Laws relating to 161
Trials by Jury, to allow Verdicts on, in Civil Causes, to be returned, although the Jury may not be unanimous 58

Usury; to repeal the Laws relating to 130

Vagrant Children; to render Reformatory and Industrial Schools more available for 71
Valuation of Lands and Heritages 133
Verdicts on Trials by Jury in Civil Causes allowed to be returned although the Jury may not be unanimous 58

Witnesses, to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of, out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom 48

Youthful Offenders, for the better Care and Reformation of . . 126

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND;

1855.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

EIGHTEENTH AND NINETEENTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the THIRD SESSION of the SIXTEENTH PARLIAMENT
of the United Kingdom of *Great Britain* and *Ireland*.

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS
PASSED IN THE ABOVE SESSION.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1855.

LICENCE.—In terms of Her Majesty's Letters Patent to Her Printers for Scotland and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize William Blackwood and Sons, Printers in Edinburgh, to Print and Publish, as by the authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said William Blackwood and Sons.

London, 31st *March* 1848.

AND. RUTHERFURD

CONTENTS.

Page

A TABLE OF THE PUBLIC GENERAL STATUTES passed in the Third Session of the Sixteenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

A TABLE of all the Local and Personal Acts, declared public, and to be judicially noticed, do. do., 280

PRIVATE ACTS, printed by the Queen's Printer, and whereof the printed Copies may be given in evidence, ... 295

PRIVATE ACTS, not printed, ... 297

INDEX to Statutes affecting Scotland, ... 298

INDEX to the Public General Acts, ... 301

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

CAP. IX. An Act to suspend the Decline of the Customs Duties on Tea from and after the Fifth Day of April One thousand eight hundred and fifty-five, ... 3

CAP. XX. An Act for granting to Her Majesty an increased Rate of Duty and Profits arising from Property, Professions, Trades, and Offices, ... 5

CAP. XXI. An Act for granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles, ... 8

CAP. XXII. An Act for granting certain additional Rates and Duties of Excise, ... 12

CAP. XXIII. An Act to alter in certain respects the Law of Intestate Moveable Succession in Scotland, ... 21

CAP. XXIV. An Act to amend an Act of the Second and Third Years of King William the Fourth, for amending the Representation of the People in Scotland, in so far as relates to the Procedure in County Elections in that Country, ... 24

CAP. XXV. An Act to allow Affirmations or Declarations to be made instead of Oaths, in certain Cases in Scotland, ... 25

CAP. XXVII. An Act to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications, ... 26

CAP. XXIX. An Act to make further Provision for the Registration of Births, Deaths, and Marriages, in Scotland, ... 30

CAP. XXXV. An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives, ... 34

Page

Cap. XXXVIII. An Act to allow Spirit of Wine to be used Duty-free in the Arts and Manufactures of the United Kingdom, . . 35

Cap. LX. An Act for excepting Gold Wedding Rings from the Operation of the Act of the last Session relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares, ... 45

Cap. LXIII. An Act to consolidate and amend the Law relating to Friendly Societies, ... 47

Cap. LXVIII. An Act to amend the Laws concerning the Burial of the Dead in Scotland, ... 74

Cap. LXXVIII. An Act to reduce certain Duties payable on Stage Carriages, and to amend the Laws relating to Stamp Duties, and to Bonds and Securities to the Inland Revenue, . . . 85

Cap. LXXXVII. An Act to amend the Act for the better Care and Reformation of Youthful Offenders, and the Act to render Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children, ... 91

Cap. LXXXVIII. An Act to facilitate the Erection of Dwelling Houses for the Working Classes in Scotland, ... 93

Cap. XC. An Act for the Payment of Costs in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer, ... 113

Cap. XCI. An Act to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854, ... 115

Cap. XCIV. An Act to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise, 122

Cap. XCVI. An Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the Office of the Receipt of Her Majesty's Exchequer at Westminster. . . 139

Cap. XCVII. An Act for the Amendment and Consolidation of the Customs Tariff Acts, ... 156

Cap. C. An Act to amend the Law concerning the Qualification of Officers of the Militia, ... 199

Cap. CVIII. An Act to amend the Law for the Inspection of Coal Mines in Great Britain, ... 202

Cap. CXI. An Act to amend the Law relating to Bills of Lading, . 211

Cap. CXIII. An Act to extend the Provisions of an Act of the Fourteenth and Fifteenth Years of Her present Majesty, for rebuilding the Bridge over the River Ness at Inverness, . . . 212

Cap. CXIX. An Act to amend the Law relating to the Carriage of Passengers by Sea, ... 215

Cap. CXXXI. An Act to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purposes of Education, ... 277

THE
PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO DECIMO OCTAVO
VICTORIÆ REGINÆ.

CAP. I.

An Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.—[23*d* December 1854.]

CAP. II.

An Act to permit Foreigners to be enlisted and to serve as Officers and Soldiers in Her Majesty's Forces.—[23*d* December 1854.]

CAP. III.

An Act to carry into effect a Treaty between Her Majesty and the United States of America.—[19*th* February 1855.]

CAP. IV.

An Act to amend the Act for limiting the Time of Service in the Army.—[*27th* February 1855.]

CAP. V.

An Act to apply the Sum of Three millions three hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March *One thousand eight hundred and fifty-five.*—[*5th* March 1855.]

CAP. VI.

An Act to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-five.—[*5th* March 1855.]

CAP. VII.

An Act to extend to Ireland *the Provisions of the Eighteenth Section of the Common Law Procedure Act,* 1854.—[16*th* March 1855.]

CAP. VIII.

An Act for raising the Sum of Seventeen Millions one hundred and eighty-three thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-five.—[16*th* March 1855.]

CAP. IX.

An Act to suspend the Decline of the Customs Duties on Tea from and after the Fifth Day of April *One thousand eight hundred and fifty-five.*—[16*th* March 1855.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In lieu of the several Duties of Customs made payable on Tea by the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and six, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the following Duties thereon; that is to say, In lieu of Duties made payable by 16 & 17 Vict. c. 106. the following to be levied.

		s.	*d.*
From and after the passing of this Act until the Expiration of Twelve Months from the Fifth Day of *April* inclusive, which shall first happen after the Date of a Definitive Treaty of Peace with *Russia*	the lb.	1	6
From thence until the Expiration of the Ensuing Twelve Months	the lb.	1	3
And thenceafter	the lb.	1	0

Without any Allowance for Draft.

II. In citing this Act in other Acts or legal Instruments it shall be sufficient to use the Expression "The Tea Duties Decline Suspension Act, 1855." Short Title.

CAP. X.

An Act to enable a Third Principal Secretary and a Third Under Secretary of State to sit in the House of Commons.—[16*th* March 1855.]

CAP. XI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.—[16*th* March 1855.]

CAP. XII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.—[16*th* March 1855.]

CAP. XIII.

An Act to explain and amend the Lunacy Regulation Act, 1853.—[26*th* April 1855.]

CAP. XIV.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[26*th* April 1855.]

CAP. XV.

An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lispendens, and Life Annuities or Rentcharges.—[26*th* April 1855.]

CAP. XVI.

An Act to authorize the letting Parts of the Royal Forests of Dean *and* Woolmer, *and certain other Parts of the Hereditary Possessions of the Crown.*—[26*th* April 1855.]

CAP. XVII.

An Act to carry into effect a Convention between Her Majesty and the King of Sardinia.—[26*th* April 1855.]

CAP. XVIII.

CAP. XVIII.

An Act for raising the Sum of Sixteen Millions by Way of Annuities.—[5*th* May 1855.]

CAP. XIX.

An Act to remove Doubts as to the Commissions of Officers in Ireland *who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in* Ireland.—[25*th* May 1855.]

CAP. XX.

An Act for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices.—[25*th* May 1855.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the Rate and Duty hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Additional Rate of 2*d.* in the Pound on Income Tax to be

I. From and after the Fifth Day of *April* One thousand eight hundred and fifty-five, there shall be charged, raised, levied, collected, and paid yearly unto and for the Use of Her Majesty, Her Heirs and Successors, in addition to the Rates and charged from 5th April 1855.

and Duties chargeable under the Act passed in the last Session of Parliament, Chapter Twenty-four, for and in respect of all Property, Profits, and Gains chargeable under the several Acts in force relating to the Income Tax, either by Assessment or under any Contract of Composition, or otherwise, the additional Rate and Duty of Twopence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively.

All Relief, Abatement, and Deduction to be proportionate to the increased Rate of Duty granted by this Act.

II. Provided always, That where under the said several Acts in force any less Rate or Duty than One Shilling and Twopence for every Twenty Shillings of the annual Value or Amount of any Property, Profits, or Gains is now chargeable, or any Relief, or Abatement, or Deduction is directed to be given, made, or allowed after any Rate in such Act or Acts specified, then and in every such Case such Rate of Duty, Relief, Abatement, and Deduction to be charged, given, made, and allowed respectively under this Act and the several Acts aforesaid shall bear the same Proportion to One Shilling and Fourpence for every Twenty Shillings as the Rate of Duty, Relief, Abatement, and Deduction respectively, now chargeable or directed to be given, made, or allowed as aforesaid, in the like Cases respectively bears to One Shilling and Twopence for every Twenty Shillings: Provided nevertheless, that any Person entitled to Relief under the said Acts and this Act, on the Ground that his total Income, although amounting to One hundred Pounds or upwards is less than One hundred and fifty Pounds a Year, shall be relieved from so much of the Duties assessed upon or paid by him under or by virtue of the said several Acts and this Act as shall exceed the Rate of Elevenpence Halfpenny for every Twenty Shillings of his Profits or Gains.

Duty to be assessed and raised under the Provisions of recited Acts.

III. The said Duty hereby granted shall be assessed, raised, levied, and collected under the Regulations and Provisions of the several Acts now in force relating to the Income Tax; and all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution for assessing, raising, levying, collecting, receiving, accounting for, and securing the said Duty hereby granted, and otherwise relating thereto, as if the same were particularly repeated and re-enacted, *mutatis mutandis*, in the Body of this Act, with reference to the said Rate and Duty hereby granted.

IV. The Duties by this Act and the said Act of the last Session of Parliament respectively granted shall continue in force during the present War and until the Sixth Day of *April* which shall first happen after the Expiration of One Year from the Ratification of a definitive Treaty of Peace, and no longer: Provided always, that if the Period limited by this Act for the Continuance of the said Duties shall expire before the Sixth Day of *April* One thousand eight hundred and sixty, then, on and from and after the Expiration of the said Period, the several Rates and Duties granted by the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, shall revive, and be payable during so much of the respective Terms limited by the said last-mentioned Act as shall be then unexpired.

Continuance of Duties.

V. Provided always, That the said Rates and Duties shall not cease at the Time herein-before appointed in that Behalf with respect to any Assessment which ought before then to have been made, but which shall not have been made and completed, nor with respect to any Duty which shall have been assessed and shall then remain unpaid, nor with respect to any Penalty before then incurred, nor with respect to any Deduction of the said Duty or any Portion thereof authorized by Law to be made out of any Rent, Interest, or other annual Payment, nor with respect to any Penalty for refusing to allow any such Deduction, although such refusal may be after the Time appointed as aforesaid, nor with respect to the Assessment of the Interest on Exchequer Bills becoming due in the Month of *June* next after the Time appointed for the ceasing of the said Duty, but all the Powers and Provisions of this Act, and of the several Acts herein mentioned or referred to, shall continue in force for making and completing all such Assessments as aforesaid, and for levying and recovering the Duties so assessed or to be assessed, and all Arrears of such Duties, and also for re-assessing the same in default of Payment, and for making and allowing such Deduction as aforesaid, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred.

Continuance of Act for Recovery of Arrears of Duty, &c.

CAP. XXI.

CAP. XXI.

An Act for granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles.—[25*th* May 1855.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant to Your Majesty the several additional Duties of Customs herein-after respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On and after 21st April 1855 the following Duties of Customs on Tea, Coffee, Sugar, &c. shall be levied.

I. That on and after the Twenty-first Day of *April* One thousand eight hundred and fifty-five there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in lieu and instead of the Duties now payable by Law upon the Importation into the United Kingdom of the Articles next herein-after mentioned, the several Duties of Customs following; that is to say, on

	£	s.	d.
TEA.—Until the Fifth Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia . . the lb.	0	1	9

From which last-mentioned Day the Duty shall be regulated in accordance with the Provisions of the Act, Chapter Nine, of the present Session of Parliament.

———	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of, a definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
	£	s.	d.	£	s.	d.	£	s.	d.
COFFEE . . . the lb.	0	0	4	0	0	3	0	0	3
——— Kiln dried, roasted or ground . . the lb.	0	0	5	0	0	4	0	0	4
CHICORY, or any other Vegetable Matter applicable to the Use of Chicory or Coffee, roasted or ground . . the lb.	0	0	5	0	0	4			

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a Definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
SUGAR, viz. :—	£	s.	d.	£	s.	d.	£	s.	d.
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto . . the Cwt.	1	0	0	0	16	8	0	13	4
White Clayed Sugar, or Sugar rendered by any Process equal in quality to white Clayed, not being Refined, or equal in Quality to Refined . . the Cwt.	0	17	6	0	14	7	0	11	8
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed the Cwt.	0	15	0	0	12	9	0	10	6
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar the Cwt.	0	13	9	0	11	8	0	9	6
MOLASSES . . the Cwt.	0	5	4	0	4	6	0	3	9
CONFECTIONERY, Comfits, Cherries dried, Marmalade, Plums preserved in Sugar, Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated the lb.	0	0	2½	0	0	2	0	0	1½

II. That in lieu of the Duties of Customs now payable on the Articles under mentioned, imported into *Scotland* or *Ireland*, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, on and after the Twentieth Day of *April* One thousand eight hundred and fifty-five, the following Duties; that is to say, on

On and after 20th April 1855 the following Duties of Customs on Spirits shall be levied.

SPIRITS :

Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes' Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon; viz.

		£	s.	d.
—— Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act, Fourth Victoria, Chapter Eight, have or shall have been fulfilled :—				
If imported into Scotland . .	the Gallon	0	8	2
If imported into Ireland . .	the Gallon	0	6	4
—— Rum Shrub, Cordials, and Liqueurs of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter qualified as aforesaid :—				
If imported into Scotland . .	the Gallon	0	8	2
If imported into Ireland . .	the Gallon	0	6	4

On and after 19th May 1855 the following Drawbacks on Sugar shall be allowed.

III. That in lieu of the Bounties and Drawbacks now payable on the Exportation of refined Sugar, the following Drawbacks shall be allowed on and after the Nineteenth Day of *May* One thousand eight hundred and fifty-five, on the Exportation, or on the Removal to the *Isle of Man* for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned ; that is to say,

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, for every Cwt.	0 18 9	0 15 8	0 12 6
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0 18 9	0 15 8	0 12 6

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0 17 10	0 14 10	0 11 10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2, approved by the Lords of the Treasury, for every Cwt.	0 16 6	0 13 9	0 11 0
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2, . for every Cwt.	0 13 9	0 11 8	0 9 6

When Contracts have been entered into, Amount of increased Duty to be added.

IV. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Customs are by this Act granted and imposed, which Contracts or Agreements may have been made with no Reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled, by virtue of this Act, to be paid, and to sue for and recover the same accordingly.

Short Title.

V. In citing this Act in other Acts or legal Instruments it shall be sufficient to use the Expression "The Customs Duties Act, 1855."

CAP. XXII.

CAP. XXII.

An Act for granting certain additional Rates and Duties of Excise.—[25*th* May 1855.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties of Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties of Excise as in Schedule (A.)

I. There shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, upon the several Goods and Commodities mentioned and described in the Schedule marked (A.) hereunto annexed, the several Sums of Money and additional Duties of Excise as they are respectively inserted, described, and set forth in the said Schedule; and there shall be made, allowed, and paid for or in respect of the Goods and Commodities mentioned and described in the Schedule marked (B.) hereunto annexed, the several Allowances and Drawbacks of Excise as the same are respectively inserted, described, and set forth in the said last-mentioned Schedule; and the said Duties, Allowances, and Drawbacks respectively shall commence and take effect on the respective Days mentioned in the said Schedules respectively.

Allowance and Drawbacks as in Schedule (B.)

Drawback on Spirit Mixtures to cease, except as to Made Wines.

II. Provided always, That no Drawback of Excise shall be allowed or paid for or upon any of the Mixtures, Compounds, Preparations, or Commodities described in the Schedule (B.) annexed to the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, which on or after the Twentieth Day of *April* One thousand eight hundred and fifty-five shall be removed from *England* or *Scotland* to *Ireland*, except upon Made Wines; and that for and upon every Gallon of all Made Wines which shall be so removed as aforesaid, there shall be allowed and paid the countervailing Drawback of Twopence Three Farthings, and no more.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

III. The said several Duties, Allowances, and Drawbacks of Excise by this Act granted and imposed and allowed respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, applied, and allowed respectively, in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties, Allowances, and Drawbacks of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively, are or may be respectively charged, raised, levied, collected, recovered, allowed, paid, and applied; and all Acts relating to the Duties, Allowances, and Drawbacks of Excise respectively, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act or Acts for securing the Duties of Excise or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties, Allowances, and Drawbacks hereby granted, imposed, and allowed respectively, in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties, Allowances, and Drawbacks hereby respectively granted, imposed, and allowed as aforesaid.

Where Contracts been made before, the additional Duties to be added to the Price of the Articles contracted for.

IV. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Excise are by this Act granted and imposed, which Contracts or Agreements may have been made with no reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof, be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered in the Case of any such Contract or Agreement to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

Full British Duty to be paid

V. Upon the Delivery of any Spirits from a Duty-free Warehouse in *Ireland* for Consumption in *England* or *Scotland*, the full on Spirits delivered from a Duty-free Warehouse in Ireland for Consumption in England or Scotland.

full Amount of the Duty chargeable on Spirits distilled in *England* or *Scotland* for Consumption there shall be paid on such Spirits in *Ireland* previously to the Removal thereof from such Warehouse, anything in the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty, contained to the contrary notwithstanding.

Spirits may be sent out or warehoused at Proof Strength or within Six Tenths thereof.

VI. Notwithstanding anything contained in any former Act to the contrary, it shall be lawful to send out or remove from any Distillery, either for Consumption or into any Warehouse, Spirits of the Degree of Strength denominated Proof Strength, or within Six Tenths of One *per Centum* over or under such Strength, as well as of the respective Strengths specified and allowed by any former Act, but under and subject, nevertheless, to all such Rules and Regulations as are contained in any former Act with respect to Spirits of any other specified Strength.

Distillers in England and Ireland to be entitled to Allowance on Spirits distilled from Malt for Home Consumption as well as for Exportation.

VII. Every Licensed Distiller in *England* and *Ireland* respectively shall be entitled to the Allowance by this Act granted in respect of Spirits distilled from Malt only, whether for Consumption in *England, Scotland,* or *Ireland,* or for Exportation or Use as Ships Stores; and all Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures contained in any Act mentioned or referred to in the Thirteenth Section of the Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter One hundred and twenty-two, or contained in any other Act or Acts in force in relation to the making or Use of Malt for the Distillation of Spirits from Malt only, or in relation to the Distillation of such Spirits in *Scotland*, or the warehousing or Removal thereof, either for Exportation or for Use as Ships Stores, or for Home Consumption, or in relation to the granting or Payment of the said Allowance in respect of Spirits distilled in *Scotland*, or for the preventing of Frauds in claiming the same, shall be observed, applied, and enforced with respect to the making and Use of Malt for Distillation, and the distilling of Spirits from Malt only in *England* and *Ireland* respectively, and the said Allowance granted thereon, as fully and effectually to all Intents and Purposes as if the same had been repeated and re-enacted, *mutatis mutandis*, in this Act, with reference to the said Allowance by this Act granted.

Certain Provisions of Acts in force, requiring Repayment of Malt Allowance on Spirits for Consumption in

VIII. So much and such Part and Parts of the several Acts in force as is and are herein-after in this Clause mentioned or referred to shall be and the same is and are hereby repealed; (that is to say,)

So much of any Act as enacts or requires that upon the Removal to *England* or *Ireland* for Consumption there of

Spirits distilled in *Scotland* from Malt only, or that on the Delivery for Consumption in *England* or *Ireland* of Spirits from Malt only, One Half or any other Portion of the Allowance granted thereon in respect of the Malt used in the Distillation thereof shall be repaid, and so much of any Act as prohibits or restrains the Removal otherwise than by Sea from *England* to *Scotland*, or from *Scotland* to *England*, of any *British* Spirits, whether compounded, medicated, or otherwise, or any Spirit Mixtures or Preparations, or any Made Wines:

And the same shall be deemed to have been repealed on and from and after the Twentieth Day of *April* One thousand eight hundred and fifty-five.

England or Ireland, and Prohibition to remove Spirits, and Spirit Mixtures, between England and Scotland otherwise than by Sea, repealed.

Distillers may remove Duty-paid Spirits between England and Scotland, in like Manner as between Places in the same Part of Great Britain.

IX. From and immediately after the passing of this Act, it shall be lawful for Distillers in *England* and *Scotland* respectively to remove from their respective Stores Spirits on which the full Duties of Excise chargeable by Law shall have been paid from *England* to *Scotland*, or from *Scotland* to *England*, in like Manner as such Spirits may now be removed, and under and subject to the like Rules and Regulations as the same are now subject and liable to on the Removal thereof to and from and between Places both of which are situated in one and the same Part of *Great Britain*.

Duty-paid Spirits may be removed from the Stocks of Rectifiers and Dealers between England and Scotland.

X. And on and from and after the First Day of *October* One thousand eight hundred and fifty-five Spirits on which the full Duties of Excise chargeable by Law shall have been paid may lawfully be removed from the respective Stocks of Rectifiers, Compounders, Dealers, and Retailers of Spirits, in *England* and *Scotland* respectively, to and from and between the said respective Parts of *Great Britain*, in like Manner as such Spirits may now be removed, and under and subject to the like Rules and Regulations as the same are now subject and liable to on the Removal thereof from any such last-mentioned Stocks to and from and between Places both of which are situated in one and the same Part of *Great Britain*.

Allowance on the Cistern or Couch Gauges of Malt-making for Distilling Purposes to be 17 per Cent.

XI. In respect of all Corn or Grain in process of making into Malt, to be used in the Distillation of Spirits made from Malt only, the Allowance to be made upon the Gauges of such Corn or Grain during the Time that the same shall be in the Cistern or in the Couch Frame, whilst directed by Law to be deemed and gauged as in Couch, shall be after the Rate of Seventeen Bushels only for every One hundred Bushels of the whole Quantity of the Corn or Grain so found by such Gauge, anything in the Ninth Section of the Act passed in the First Year of Her Majesty's Reign, Chapter Forty-nine, notwithstanding.

XII. If

Commissioners may revoke the Licence of a Maltster for Distillery Purposes, or a Distiller from Malt, on a Second Conviction of any of the Offences herein specified.

XII. If any Maltster or Maker of Malt to be used in distilling Spirits from Malt only, or if any Distiller having given Notice of his Intention to distil Spirits from Malt only, shall at any Time hereafter be convicted of any of the several Offences specified in the Seventy-third Section of the Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, or in the Ninety-second Section of the Act passed in the Fourth Year of the Reign of the said King *George* the Fourth, Chapter Ninety-four, or in the Ninth Section of the Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter Twenty-nine, and if such Maltster or Distiller shall afterwards be again convicted either of the same Offence or any other of the several Offences aforesaid, it shall be lawful for the Commissioners of Inland Revenue, and they are hereby empowered to revoke and annul the Licence granted to such Maltster or Distiller, and to refuse to grant to him any further Licence as a Maltster or Distiller, and also to refuse to grant any such Licence to any other Person to exercise such Trade or Business at the same Premises where the Offence was committed in respect of which such Second Conviction as aforesaid was made.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

DUTIES.

SPIRITS.

Duties.
£ s. d.

Scotland and Ireland.

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which on or after the Twentieth Day of April One thousand eight hundred and fifty-five shall be distilled in Scotland and Ireland respectively, or be in the Stock, Custody, or Possession of any Distiller in Scotland or Ireland, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled in England, Scotland, or Ireland, shall on or after the said Day be in Warehouse in Scotland or Ireland, and be taken out of Warehouse for Consumption in Scotland or Ireland, or which, having been taken out of Warehouse in England for Removal to Scotland or Ireland, shall on or after the said Day be brought into Scotland or Ireland, the additional Duty following; that is to say,

	£	s.	d.
In Scotland, the additional Duty of -	0	1	10
In Ireland, the additional Duty of - -	0	2	0

And so in proportion for any greater or less Degree of Strength, or any greater or less Quantity.

Channel Islands.

For and upon every Gallon of Spirits of the Nature or Quality of plain British Spirits of the Strength of Hydrometer Proof, manufactured or distilled in the Islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported from any of the said Islands into Scotland or Ireland, the following countervailing Duties to be charged and paid on and after the Twentieth Day of April One thousand eight hundred and fifty-five; that is to say,

	£	s.	d.
If imported into Scotland - - -	0	9	0
If imported into Ireland - - -	0	7	2

And so in proportion for any greater or less Degree of Strength or any greater or less Quantity of such Spirits imported into Scotland and Ireland respectively,

In lieu of the countervailing Duties of Excise now chargeable on such last-mentioned Spirits under any other Act or Acts in force.

SPIRIT MIXTURES.

For and upon the several Mixtures, Compounds, Preparations, and Commodities next herein-after enumerated or described, which on or after the Twentieth Day of April One thousand eight hundred and fifty-five shall be removed from Ireland to England or Scotland, the several Sums of Money and Duties of Excise herein-after respectively inserted and set forth, in lieu of the respective Duties of Excise now payable thereon, under any other Act or Acts in force; that is to say,

Articles enumerated. For every Gallon thereof removed.	Countervailing Duties.		
	From Ireland to England or Scotland.		
	£	s.	d.
Ether,	0	4	7
Sweet Spirits of Nitre,	0	2	9
Camphorated Spirits,			
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients,			
Compound Spirits of Lavender,			
Spirits of Rosemary,			
Spirits of Ammonia,			
Sal Volatile,			
Friar's Balsam,			
Compound Tincture of Benzoin,			
Tincture of Assafœtida,			
Tincture of Castor,			
Tincture of Kino,			
Tincture of Guiacum,			
Tincture of Myrrh,			
Tincture of Ginger,			
Spirit Varnishes and Lacquers,			
Other Tinctures and Medicated Spirits,	0	1	10
Made Wines,	0	0	2¾

SUGAR.

For and upon all Sugar made in the United Kingdom on or after the 21st Day of April 1855, the several Sums of Money and Duties of Excise herein-after inserted, described, and set forth; that is to say,

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
	£	s.	d.	£	s.	d.	£	s.	d.
On Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Hundredweight	1	0	0	0	16	8	0	13	4
On White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined, for every Hundredweight	0	17	6	0	14	7	0	11	8

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
	£	s.	d.	£	s.	d.	£	s.	d.
On Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed, according to a Standard to be furnished by the Commissioners of Her Majesty's Treasury, for every Hundredweight . . .	0	15	0	0	12	9	0	10	6
On Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar, according to a Standard to be furnished by the said Commissioners, for every Hundredweight . .	0	13	9	0	11	8	0	9	6
On Molasses, for every Hundredweight	0	5	4	0	4	6	0	3	9
And so in proportion for any greater or less Quantity than a Hundredweight.									

In lieu of the Duties of Excise now payable on Sugar made in the United Kingdom.

	£	s.	d.
And for and upon every Hundredweight, and so in proportion for any greater or less Quantity than a Hundredweight, of all Sugar which, on or after the Twenty-first Day of April One thousand eight hundred and fifty-five, shall be used by any Brewer of Beer for Sale in the brewing or making of Beer . . .	0	3	9

And so in proportion, more or less, according to the Rates of the Duty of Excise on Malt, and of the Duty of Customs on Sugar respectively from Time to Time payable, so that the aggregate of the Duties of Excise and Customs on Sugar used in Brewing may be at all Times an Equivalent for the Duty of Excise on the Malt for which such Sugar is substituted.

In lieu of the Duty of Excise chargeable on such Sugar under the Act passed in the last Session of Parliament, Chapter Thirty, but over and above all other Duties, whether of Excise or Customs.

SCHEDULE (B.)

ALLOWANCES AND DRAWBACKS.

	Allowance or Drawback.		
	£	s.	d.
For and upon every Gallon of Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity or any greater or less Degree of Strength, distilled in England or Ireland from Malt only, which shall be mashed on or after the Twentieth Day of April One thousand eight hundred and fifty-five, and which Spirits shall be distilled at the Rate of Two Gallons of such Spirits for every Bushel of Barley Malt, or in Ireland One Bushel and Three Tenth Parts of a Bushel of Malt made from Bear or Bigg, the Allowance of - -	0	1	4
In lieu of all Allowances granted on such Spirits by any other Act or Acts now in force:			
Provided always, that if the Quantity of Malt mashed and used in the Production of such Spirits shall be less than after the Rate of One Bushel of Barley Malt, or One Bushel and Three Tenth Parts of a Bushel of Malt made from Bear or Bigg, for every Two Gallons of Proof Spirits charged with Duty a Deduction from the Amount of such Allowance shall be made, after the Rate of Four Shillings for every Bushel of Barley Malt and every Bushel and Three Tenth Parts of a Bushel of Bear or Bigg Malt, which shall respectively be so deficient.			
And for and upon such Spirits distilled in England or Ireland from Malt only, and on which the Allowance aforesaid shall have been made, and			

which

	£	s.	d.
which said Spirits shall be duly removed from Warehouse for Exportation or for Use as Ships Stores, and be duly exported or shipped as Stores, under and according to the Laws and Regulations of Customs in such respect, over and above the Allowance aforesaid, and in lieu of the Drawback granted and payable under any former Act, for every Gallon of such Spirits actually exported or shipped as Stores as aforesaid, a Drawback of - - - -	0	0	8
And for and in respect of all Sugar and Molasses actually received and used on and after the Twenty-first Day of April One thousand eight hundred and fifty-five, in the brewing or making of Worts or Wash brewed or made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle, or Malt or Grain, and distilled into Spirits by any Distiller in England, Scotland, or Ireland, an Allowance after the Rate of Twelve Shillings and One Penny for every One hundred and twelve Pounds of Sugar so used, and after the Rate of Four Shillings and Threepence Halfpenny for every One hundred and twelve Pounds of Molasses so used; and so in proportion more or less according to the Rates of the Duty of Customs on Sugar and Molasses respectively and of the Duty of Excise on Malt from Time to Time payable in lieu of the Allowances in respect of such Sugar and Molasses respectively contained in Schedule D. annexed to the Act Seventeenth and Eighteenth Victoria, Chapter Twenty-seven.			

CAP. XXIII.

An Act to alter in certain respects the Law of Intestate Moveable Succession in Scotland.—[25*th* May 1855.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In all Cases of Intestate Moveable Succession in *Scotland* accruing

The Issue of a predeceasing Next of Kin shall come in the Place of their Parent in the Succession to an Intestate.

accruing after the passing of this Act, where any Person who, had he survived the Intestate, would have been among his Next of Kin, shall have predeceased such Intestate, the lawful Child or Children of such Person so predeceasing shall come in the Place of such Person, and the Issue of any such Child or Children, or of any Descendant of such Child or Children, who may in like Manner have predeceased the Intestate, shall come in the Place of his or their Parent predeceasing, and shall respectively have Right to the Share of the Moveable Estate of the Intestate to which the Parent of such Child or Children or of such Issue, if he had survived the Intestate, would have been entitled: Provided always, that no Representation shall be admitted among Collaterals after Brothers and Sisters Descendants, and that the surviving Next of Kin of the Intestate claiming the Office of Executor shall have exclusive Right thereto, in preference to the Children or other Descendants of any predeceasing Next of Kin, but that such Children or Descendants shall be entitled to Confirmation when no Next of Kin shall compete for said Office.

Issue of predeceasing Heir succeeding to the Intestate's Heritage may collate, but other Issue not excluded by his not collating from claiming out of Moveable Estate Difference between Value of Heritage and Share their Parent would have taken on Collation.

II. Where the Person predeceasing would have been the Heir in Heritage of an Intestate leaving Heritable as well as Moveable Estate had he survived such Intestate, his Child, being the Heir in Heritage of such Intestate, shall be entitled to collate the Heritage to the Effect of claiming for himself alone, if there be no other Issue of the Predeceaser, or for himself and the other Issue of the Predeceaser, if there be such other Issue, the Share of the Moveable Estate of the Intestate which might have been claimed by the Predeceaser upon Collation if he had survived the Intestate; and Daughters of the Predeceaser, being Heirs Portioners of the Intestate, shall be entitled to collate to the like Effect; and where, in the Case aforesaid, the Heir shall not collate, his Brothers and Sisters, and their Descendants in their Place, shall have Right to a Share of the Moveable Estate equal in Amount to the Excess in Value over the Value of the Heritage of such Share of the whole Estate, Heritable and Moveable, as their predeceasing Parent had he survived the Intestate would have taken on Collation.

Father to succeed to Extent of One Half when no Issue.

III. Where any Person dying Intestate shall predecease his Father without leaving Issue, his Father shall have Right to One Half of his Moveable Estate, in preference to any Brothers or Sisters or their Descendants who may have survived such Intestate.

Where Father has predeceas-

IV. Where an Intestate dying without leaving Issue, whose Father has predeceased him, shall be survived by his Mother, she shall have Right to One Third of his Moveable Estate, in preference to his Brothers and Sisters or their Descendants, or other Next of Kin of such Intestate.

ed, Mother to succeed to Extent of One Third.

Succession by Brothers and Sisters uterine.

V. Where an Intestate dying without leaving Issue, whose Father and Mother have both predeceased him, shall not leave any Brother or Sister german or consanguinean, nor any Descendant of a Brother or Sister german or consanguinean, but shall leave Brothers and Sisters uterine, or a Brother or Sister uterine, or any Descendant of a Brother or Sister uterine, such Brothers and Sisters uterine and such Descendants in place of their predeceasing Parent shall have Right to One Half of his Moveable Estate.

On a Wife predeceasing her Husband her Representatives to have no Claim on the Goods in Communion.

VI. Where a Wife shall predecease her Husband, the Next of Kin, Executors, or other Representatives of such Wife, whether testate or intestate, shall have no Right to any Share of the Goods in Communion, nor shall any Legacy or Bequest or Testamentary Disposition thereof by such Wife affect or attach to the said Goods or any Portion thereof.

Not to affect Rights of Spouses on Dissolution of Marriage in certain Cases.

VII. Where a Marriage shall be dissolved before the Lapse of a Year and Day from its Date, by the Death of One of the Spouses, the whole Rights of the Survivor and of the Representatives of the Predeceaser shall be the same as if the Marriage had subsisted for the Period aforesaid.

Part of Act of Parliament of Scotland, 1617. c. 14. repealed.

VIII. So much of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and seventeen, and intituled *Anent Executors*, as allows Executors nominate to retain to their own Use a Third of the Dead's Part in accounting for the Moveable Estate of the Deceased, is hereby repealed, and Executors nominate shall, as such, have no Right to any Part of the said Estate.

Interpretation of Terms.

IX. The Words "Intestate Succession" shall mean and include Succession in Cases of partial as well as of total Intestacy; "Intestate" shall mean and include every Person deceased who has left undisposed of by Will the whole or any Portion of the Moveable Estate on which he might, if not subject to Incapacity, have tested; "Moveable Estate" shall mean and include the whole free Moveable Estate on which the Deceased, if not subject to Incapacity, might have tested, undisposed of by Will, and any Portion thereof so undisposed of.

CAP. XXIV.

CAP. XXIV.

An Act to amend an Act of the Second and Third Years of King William *the Fourth for amending the Representation of the People in* Scotland, *in so far as relates to the Procedure in County Elections in that Country.*—[*25th* May 1855.]

WHEREAS it is expedient that the Time between the Receipt of the Writ by the Sheriff and the Day of Election of Members to serve in Parliament for Counties in *Scotland* should be shortened: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sheriff to endorse on the Writ the Day on which he received it and announce the Time for the Election. 2 & 3 W. 4. c. 65.

I. Each Sheriff to whom any Writ for the Election of a Member to serve for any County or combined Counties in *Scotland* (except *Orkney* and *Shetland*) shall be directed, under the Provisions of an Act passed in the Second and Third Years of the Reign of His late Majesty, intituled *An Act to amend the Representation of the People in* Scotland, shall endorse on the Writ the Day on which he received it, and shall within Two Days thereafter announce a Day for the Election, which Day shall be not less than Six nor more than Twelve Days in Counties or combined Counties after the Day on which the Writ was received, and shall give due Intimation thereof as is provided in the said Act.

Proviso as to Orkney and Shetland.

II. In the Case of *Orkney* and *Shetland* the Provisions of the said Act in so far as they relate to the fixing and Announcement of the Day of Election, and the Interval to elapse between the Receipt of the Writ and the Day of Election, shall remain in full Force and Effect, anything in this Act contained notwithstanding.

Provisions of recited Act so far as inconsistent with this Act repealed.

III. In all Cases in which the Provisions of the said Act shall be inconsistent with this Act, and in as far as shall be necessary to give effect to the true Intent and Meaning of this Act, but no further, the said Act shall be and the same is to such Extent hereby repealed; and the said Act shall in all other respects remain in full Force and Effect, and be as good and effectual to carry this Act into execution, as if the same were herein repeated and re-enacted.

CAP. XXV.

CAP. XXV.

An Act to allow Affirmations or Declarations to be made instead of Oaths in certain Cases in Scotland. —[25*th* May 1855.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Affirmation instead of Oath to be allowed in certain Cases.

I. If any Person called as a Witness in any Court of Civil Judicature in *Scotland*, or required or desiring to make an Affidavit or Deposition, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge or other presiding Officer or Person qualified to take Affidavits or Depositions, on being satisfied of the Sincerity of such Objection, to permit such Person instead of being sworn to make his or her solemn Affirmation or Declaration in the Words following, *videlicet*,

'I *A. B.* do solemnly, sincerely, and truly affirm and declare 'that the taking of any Oath is, according to my Reli'gious Belief, unlawful; and I do solemnly, sincerely, and 'truly affirm and declare,' *&c.*

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form, and shall in like Manner infer the Pains of Perjury in case of Falsehood.

Her Majesty may, by Order in Council, direct Provisions of this Act to be applied to all Courts in Scotland.

II. It shall be lawful for Her Majesty from Time to Time, by an Order in Council, to direct that all or any Part of the Provisions of this Act shall apply to all or any Court or Courts in *Scotland;* and such Order shall be notified by the Secretary of State to the Clerk or other Officer of the Court or Courts therein named respectively, and shall be published in the *Edinburgh Gazette;* and within One Month after such Order shall have been so notified and published, such Provisions shall extend and apply in Manner directed by such Order; and any such Order may be in like Manner from Time to Time altered and annulled.

CAP. XXVI.

An Act to continue an Act of the Thirteenth and Fourteenth Years of Her present Majesty, for enabling the Judges of the Courts of Common Law at Westminster *to alter the Forms of Pleading.*—[25*th* May 1855.]

CAP. XXVII.

An Act to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed Periodical Publications. —[15*th* June 1855.]

WHEREAS it is expedient to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Not to be compulsory to print Newspapers on Stamps.

I. From and after Fourteen Days after the passing of this Act it shall not be compulsory (except for the Purpose of Free Transmission by the Post) to print any Newspaper on Paper stamped for denoting the Duties imposed by Law on Newspapers, and no Person shall be subject or liable to any Penalty or Forfeiture for printing, publishing, selling, or having in his Possession any unstamped Newspaper.

Periodical Publications printed on Stamps to be transmitted by Post free of Postage.

II. Every periodical Publication herein-after mentioned which shall be printed within the United Kingdom on Paper stamped for denoting the Rate of Duty now imposed by Law on Newspapers shall be entitled to the like Privileges of Transmission and Re-transmission by the Post between Places in the United Kingdom, either Postage-free or otherwise, on the same Terms and Conditions and under and subject to the like Rules and Regulations as Newspapers duly stamped are now entitled and subject to under any Act or Acts in force, but under and subject nevertheless to the Terms and Conditions in this Act contained.

Periodical Publications entitled to free Transmission by Post to be printed under certain Limitations and Conditions specified.

III. Every periodical Publication to be entitled to any such Privilege as aforesaid shall be printed and published at Intervals not exceeding Thirty-one Days between any Two consecutive Parts or Numbers of such Publication, and shall be subject to the same Limitations and Restrictions with respect to the Number of Sheets or Pieces of Paper whereon the same shall be printed, and with respect to the Superficies or Dimensions of the Letter-press thereof, as by any Act or Acts now in force are enacted or imposed with respect to Newspapers and Supplements thereto; and every such periodical Publication shall be entitled to such Privilege only on the Terms and Conditions following; (that is to say,) One of the Sheets or Pieces of Paper on which the same shall be printed shall be stamped with an appropriated Die, denoting the Stamp Duty imposed by Law on a Newspaper printed on the like Number of Sheets or Pieces of Paper and of the like Dimensions with respect to the Superficies of the Letter-press thereof; and on the Top of every Page of such Publication there shall be printed the Title thereof, and the Date of publishing the same; and such periodical Publication at the Time when the same shall be posted shall be folded in such Manner that the whole of the Stamp denoting the said Duty shall be exposed to view, and be distinctly visible on the Outside thereof; also such periodical Publication shall not be printed on Pasteboard or Cardboard, or on Two or more Pieces or Thicknesses of Paper pasted together, nor shall any Pasteboard, Cardboard, or such pasted Paper be transmitted by Post with any such periodical Publication either as a Back or Cover thereto, or otherwise.

Paper to be stamped for such periodical Publications at the Request of the Proprietor or Printer.

IV. It shall be lawful for the Proprietor or Printer of any such periodical Publication to send to the Commissioners of Inland Revenue, or to such Officer as they shall appoint or direct in that Behalf, any Quantity of Paper to be stamped with an appropriated Die, to be provided in the Manner directed by the Third Section of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, for denoting the Rate of Stamp Duty chargeable on Newspapers; and upon Payment to the proper Officer of the full Amount of the Stamps required to be impressed on such Paper, the said Commissioners or their proper Officer shall cause the same to be stamped accordingly: Provided always, that there shall be allowed in *Ireland*, in respect of such appropriated Stamps as aforesaid for any periodical Publication which shall be printed and published only in *Ireland*, the same

Discount to be allowed on Stamps in Ireland.

same Rate of Discount as by the said last-mentioned Act is directed to be allowed on the Purchase of Stamps for the printing of Newspapers in *Ireland*.

Periodical Publications to be posted within Fifteen Days after being published.

V. Every periodical Publication, posted in the United Kingdom, to be entitled to the Privilege of Transmission by the Post between Places in the United Kingdom, under the Provisions of this Act, shall be put into a Post Office within Fifteen Days next after the Day on which the same shall be published; the Day of Publication to be determined by the Date of such Publication.

Questions as to periodical Publications, how determined.

VI. In all Cases in which a Question shall arise whether a printed Paper is entitled to the Privilege of a periodical Publication, so far as respects the Transmission thereof by the Post under the Provisions of this Act, the Question shall be referred to the Determination of the Postmaster General, whose Decision, with the Consent of the Commissioners of Her Majesty's Treasury, shall be final.

Newspapers may be registered at the General Post Office to entitle the same to the Privilege of Transmission abroad under Treaties with Foreign Powers.

VII. And whereas certain Treaties and Arrangements have been made and entered into, and other Treaties and Arrangements may hereafter be entered into, by and between Her Majesty's Government and certain Foreign and Colonial Governments, for regulating the Transmission of *British* Newspapers abroad; and it is expedient to make Provision for enabling Her Majesty's Postmaster General to secure for such Newspapers respectively the Privileges and Advantages of such Treaties and Arrangements: Be it therefore enacted, That, upon the Postmaster General being satisfied that any printed Publication is a Newspaper, or entitled to the Privileges of a Newspaper, within the Meaning of such Treaties and Arrangements as aforesaid, it shall be lawful for the Proprietor or Printer of such Newspaper or Publication, if he shall think fit, to register the same at the General Post Office in *London*, in such Form and with such Particulars relating to the same, and subject to the Payment of such Fees, not exceeding Five Shillings respectively, as well on Registration as afterwards periodically for being continued on the Register, as the Postmaster General, with Consent of the Commissioners of the Treasury, shall from Time to Time direct or require in that Behalf; and thereupon such Newspaper or Publication, being printed on Paper duly stamped with an appropriated Die under the Provisions of this Act, shall be entitled to all the Privileges and Advantages secured to Newspapers by any such Treaties and Arrangements as aforesaid.

Transmission by Post of printed

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to allow any printed Newspaper (*British*, Colonial, or Foreign) to be transmitted by the Post between Places in the United Kingdom and Her Majesty's Colonies or Foreign Countries, or between any Ports or Places beyond the Sea (whether through the United Kingdom or not), either free of Postage, or subject to such Rates of Postage not exceeding Twopence for each Newspaper, irrespective of any Foreign or Colonial Postage, as the Commissioners of the Treasury, or the Postmaster General with their Consent, shall from Time to Time think fit; and as a Condition to any *British* Newspaper being transmitted by the Post to any Place out of the United Kingdom, the same shall be printed on Paper duly stamped with an appropriated Die under the Provisons of this Act, and the said last-mentioned Commissioners or the Postmaster General may require such Newspaper to be registered at the General Post Office in *London* in such Form and with such Particulars and subject to the Payment of such Fees as in the last preceding Section mentioned.

Papers to Foreign Countries.

IX. It shall be lawful for Her Majesty's Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time or Times hereafter to make and issue such Orders, Regulations, Conditions, and Restrictions as he shall deem to be necessary or expedient for the Purpose of regulating the Receipt, Transmission, and Delivery by Post of periodical Publications under the Provisions of this Act, or for preventing or detecting Frauds or Abuses in relation thereto, and for giving Effect to the Purposes of this Act; and it shall also be lawful for the said Postmaster General, with the like Consent, from to Time to Time to rescind or revoke all or any such Orders, Regulations, Conditions, and Restrictions, and to make and issue any new ones in lieu thereof.

Power to the Postmaster General, with Consent of Treasury, to make Regulations for carrying the Act into effect.

X. All periodical Publications sent by Post otherwise than in conformity with the Terms, Conditions, and Regulations established by or under the Authority of this Act may be detained by the Postmaster General, and any Officer of the Post Office; and after being opened, the same shall be either returned to the Senders thereof or forwarded to the Place of their Destination charged with the like Rates of Postage as if the same were Letters transmitted by the Post: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to authorize Her Majesty's Postmaster General to charge in any such Case any such less Rate of Postage as to him shall seem fit.

Periodical Publications sent by Post not in conformity with this Act to be charged Letter Rates of Postage.

XI. Any printed Copy of the *London Gazette* in which any Warrant or Order issued or made under or by virtue of this Act, or purporting so to be, shall be published, shall be admitted as Evidence by all Courts, Judges, Justices, and others,

London Gazette to be Evidence of the issuing of Warrants or Orders. of such Warrant or Order, and of the due making and issuing thereof, and of the Contents thereof, without any further or other Proof of such Warrant or Order, or of the Matters therein contained.

Interpretation of Terms. XII. The Term "periodical Publication" used in this Act shall be construed to mean and include a Newspaper as defined by the Acts in force relating to the Stamp Duties on Newspapers, and every printed literary Work or Paper, printed and published periodically, or in Parts or Numbers, at Intervals not exceeding Thirty-one Days between any Two consecutive Papers, Parts, or Numbers of such literary Work or Paper; and for all the Purposes of this Act the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and the *Isle of Man* shall respectively be deemed to be Part of the United Kingdom.

CAP. XXVIII.

An Act to provide that the Property or Income Tax payable in respect of the Income from Ecclesiastical Property in Ireland *shall be a Deduction in estimating the Value of such Property for the Purpose of Taxation by the Ecclesiastical Commissioners.*—[15*th* June 1855.]

CAP. XXIX.

An Act to make further Provision for the Registration of Births, Deaths, and Marriages in Scotland.—[15*th* June 1855.]

WHEREAS it is expedient to amend the Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 80.

Landward and Burghal I. It shall be lawful for the Sheriff if he shall think it expedient, upon a joint Application of the Parochial Board of any Parish and of the Town Council of any Burgh situated within such Parish, or upon the Application of the Registrar General, to unite such Burgh or any Portion thereof to any Landward Portion of such Parish, and also to regulate any Questions which may arise as to the Assessment to be levied upon such Burghs or Portions of Burghs, and upon such Landward Portions of such Parishes respectively.

Parts of Parishes may be united.

II. If any Parochial Board shall neglect or refuse to apply, under the Authority of the Fifteenth Section of the recited Act, to the Sheriff for the Removal of any incompetent Registrar, after being thereto required by the Registrar General, it shall be lawful for the Registrar General himself to apply to the Sheriff, and such and the like Procedure in all respects shall in such Case be had and take place as if the Application had been made by the Parochial Board.

Registrar General, failing Parochial Board, may apply for dismissal of incompetent Registrars.

III. So much of the Fifty-third and Fifty-fourth Sections of the recited Act as requires the Examination of the Registers and the Authentication thereof by the Sheriff shall be and the same is hereby repealed; and no Penalty or Breach of Duty or other Consequence shall be deemed to be incurred or to arise from the Non-authentication heretofore of any of the said Registers or Duplicate Registers which shall have been sanctioned or acquiesced in by the Registrar General or the Sheriff, anything in the said Act to the contrary notwithstanding; and it shall be lawful for the Registrar General, with the Approbation of the Commissioners of the Treasury, from Time to Time to divide *Scotland* into such Districts as he may think fit, and with such Approbation to appoint for each District a fit and competent Person to be the Examiner thereof, who shall be paid such annual Allowance as shall be fixed by the said Commissioners of the Treasury, in such and the like Manner as the Expenses specified in the Fifth Section of the said Act are directed to be paid; and it shall be the Duty of such Examiners, at such Time or Times as shall be fixed by the Registrar General, to proceed to their respective Districts, and there, in such Manner as shall be prescribed by the Registrar General, carefully to examine and compare, along with the several Registrars within their respective Districts, the Registers and Duplicate Registers of such several Registrars, and authenticate and docquet the same, and all Alterations and Additions thereon or thereto, in such Form and Manner as the Registrar General shall direct; and it shall be lawful for the Registrar General, with the Approbation of the Secretary of State for the Home Department, to frame all such Rules and Regulations as shall be necessary and expedient for such Purposes in the Manner, as far as may be, directed by the Fifty-third

Examination of Registers by Sheriff repealed, and Examiners appointed.

third Section of the said Act or otherwise; and it shall in like Manner be the Duty of such Examiners respectively to aid, under the Direction of the Sheriff within their respective Districts, in executing and carrying into effect the Purposes of the Eighteenth, Nineteenth, Twentieth, Fifty-third, and Fifty-fourth Sections of the said Act.

Where Registration District consists of Two Parishes.

IV. Where a Registration District, consisting of Portions of Two or more Parishes, has been erected by the Sheriff under the Provisions of the said recited Act, the Powers thereby and by this Act conferred on Parochial Boards, and the Duties imposed upon such Boards, shall respectively belong to and be discharged by the qualified Heritors of such Registration District, and all Meetings of such Heritors shall be called by the Registrar, or, in case of Vacancy in the Office of Registrar, by the Heritor of Lands of the highest Valuation therein; and at such Meetings the Heritor of the highest Valuation present shall preside, and shall be entitled to a casting as well as to a deliberative Vote, and Assessments under the said recited Act shall be laid on according to the Manner thereby prescribed for the Case of Parishes in which there is no Assessment for the Poor.

Decrees of Court fixing Status of Parties to be noted in Register.

V. In every Case in which the Status of any Person shall be altered by a Decree of any competent Court, the Clerk to the Process shall forthwith report such Decree to the Registrar General; and it shall be lawful for the Registrar General, and he is hereby required, to take all Measures necessary for having the Entries in the Duplicate Registers affected by such Decree rectified, by causing the Date of the Decree and the Import thereof to be noted upon the Margin of both Duplicates opposite to such Entries, as the Registrar General shall think fit and direct.

Register of corrected Entries to be kept in Duplicate.

VI. In reference to the Sixty-third Section of the recited Act, the Register of corrected Entries shall be kept in Duplicate; and One of the Duplicates shall be annually transmitted to the Registrar General along with the Duplicate Registers directed by the Fifty-third Section of the said Act to be annually so transmitted.

Penalties recovered to be paid into Exchequer.

VII. The Penalties imposed by the said Act, and by the Sixty-fifth Section thereof directed to be recovered by Prosecution by the Procurator Fiscal, and when recovered to go to the Registrar General, shall instead be paid to the Queen's and Lord Treasurer's Remembrancer of the Court of Exchequer in *Scotland;* and the Expense of all such Prosecutions, where not recovered from the Parties, shall be charged and paid in Exchequer, and the Recovery of such Penalties shall be a Part of the ordinary Duties of the Procurator Fiscal.

VIII. It shall in all Cases be lawful for the Sheriff Clerks in the several Counties, and they are hereby required, to act in aid of the Sheriff in the Execution of the Powers, Provisions, and Duties of the recited Act and of this Act, in all respects as the Sheriffs may direct.

Sheriff Clerks to act in execution of Acts.

IX. The Appointments of the Examiners, and the other Clerks and Officers to be appointed under this Act, shall, in like Manner as the Appointments mentioned in the Sixteenth Section of the recited Act, be exempt from all Stamp Duties.

Appointments to be exempt from Stamp Duty.

X. This Act shall be deemed a Part of the recited Act, and shall be construed therewith as if the said Acts formed One Act.

This Act and recited Act to be as one.

CAP. XXX.

An Act to empower the Commissioners of Sewers to expend on House Drainage a certain Sum out of the Monies borrowed by them on the Security of the Rates, and also to give to the said Commissioners certain other Powers for the same Purpose.—[15*th* June 1855.] (London.)

CAP. XXXI.

An Act to confirm the Incorporation of the Borough of Brighton.—[15*th* June 1855.]

CAP. XXXII.

An Act to amend and extend the Jurisdiction of the Stannary Court.—[15*th* June 1855.]

CAP. XXXIII.

An Act to prevent Doubts as to the Validity of certain Proceedings in the House of Commons.—[15*th* June 1855.]

CAP. XXXIV.

An Act to provide for the Education of Children in the Receipt of Out-door Relief.—[26*th* June 1855.] (England.)

CAP. XXXV.

An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.—[26*th* June 1855.]

16 & 17 Vict. c. 91.

WHEREAS by an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives*, which Act was limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-four: And whereas by an Act passed in the last Session of Parliament the said first-mentioned Act was continued until the Fifth Day of *July* One thousand eight hundred and fifty-five: And whereas it is expedient to extend the Benefit of the recited Provisions to Persons insuring or contracting with such Friendly Societies as herein-after mentioned, and to continue the said first-recited Act for such Period as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons having made Insurances with Friendly Societies to be entitled to Benefits of recited Acts.

I. Any Person or Persons who shall have made any such Insurance or contracted for any such Deferred Annuity as in the said recited Acts mentioned, in or with any Friendly Society legally established under any Act of Parliament relating to Friendly Societies, shall be entitled to all the Benefits and Advantages conferred by the said recited Acts; provided that the Premiums payable in respect of such Insurances shall not be made for shorter Periods than Three Months.

Provisions of 16 & 17

II. The said Act shall continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-six, and shall be applicable, with respect to the Rate of Duty of One Shilling and Twopence for every Twenty Shillings granted by the Act of the last Session of Parliament, Chapter Twenty-four, and to the additional Rate of Duty of Twopence for every Twenty Shillings granted by the Act of the present Session of Parliament, Chapter Twenty, in like Manner as to the Rate or Duty of Sevenpence for every Twenty Shillings granted by the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Thirty-four.

Vict. c. 91. to continue in force and be applicable to Duties granted by 17 & 18 Vict. c. 24. and 18 & 19 Vict. c. 20.

CAP. XXXVI.

An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Oxford.—[26*th* June 1855.]

CAP. XXXVII.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-five.—[26*th* June 1855.]

CAP. XXXVIII.

An Act to allow Spirit of Wine to be used Duty-free in the Arts and Manufactures of the United Kingdom.—[26*th* June 1855.]

WHEREAS it is expedient, with a view to promote the Advancement of the Arts and Manufactures of the United Kingdom, to allow Spirit of Wine to be used Duty-free in the various Processes thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

mons, in this present Parliament assembled, and by the Authority of the same, as follows:

A Mixture of Spirit of Wine and Methylic Alcohol may be allowed Duty-free for Use in the Arts or Manufactures.

I. It shall be lawful for the Commissioners of Inland Revenue to permit and authorize any Distiller or Rectifier of Spirits, or other Person specially licensed in that Behalf, to mix, under the Conditions and Regulations herein-after mentioned, Spirit of Wine of not less Degree of Strength than Fifty *per Cent.* over Proof, and in a Quantity of not less than Four hundred and fifty Gallons at One Time, with not less than One Ninth of its Bulk Measure of Wood Naphtha or Methylic Alcohol, or to mix Spirit of Wine of such other Degree of Strength and in such other Quantity or Proportion with Wood Naphtha or Methylic Alcohol, or with such other Article or Substance as the said Commissioners shall from Time to Time approve, order, and direct, and as to the Satisfaction of the said Commissioners shall render such Spirit unfit for Use as a Beverage, and incapable of being converted to that Purpose, and thereupon such Mixture shall be allowed Duty-free for Use in such Branches of the Arts and Manufactures of the United Kingdom as the said Commissioners shall sanction or approve in that Behalf, or if such Mixture shall be made by a Rectifier with Duty-paid Spirit of Wine, he shall be allowed a Drawback of the Duty on such Spirit of Wine at the Rate chargeable on Spirits of the like Strength distilled in that Part of the United Kingdom where such Mixture shall be made.

The Mixture to be termed Methylated Spirit.

II. The said Mixture of Spirit of Wine with Wood Naphtha or Methylic Alcohol shall be denominated Methylated Spirit, and the Mixture of Spirit of Wine with any other Substance appointed or approved by the said Commissioners for the Purpose aforesaid shall be designated by such Term as they shall from Time to Time direct; and wherever in this Act the Term Methylated Spirit is used the same shall be deemed to include any and every such other Mixture as last mentioned, and the several Provisions of this Act shall be deemed to apply to any and every such last-mentioned Mixture as if the Term by which the said Commissioners shall direct the same to be designated had been substituted in this Act for and in lieu of the Term Methylated Spirit.

Persons (other than Distillers or Rectifiers) authorized to make Methylated Spirit to

III. Every Person who shall be authorized by the Commissioners of Inland Revenue to make or mix Methylated Spirit (other than a Distiller or Rectifier of Spirits) shall take out a Licence for that Purpose, and shall pay the Sum of Ten Pounds and Ten Shillings for the Duty thereon; and such Licence and Payment of Duty thereon shall be renewed annually on the First Day of *October* in every Year, so long as such Person shall continue to be authorized as aforesaid to make or mix Methylated Spirit; and every such Licence shall be granted and renewed in like Manner as other Excise Licences are granted and renewed, and under and subject to the Provisions and Regulations of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one.

pay for a Licence for that Purpose.

IV. The mixing of Spirit of Wine with Wood Naphtha or Methylic Alcohol or any such Article or Substance as aforesaid shall be made only in such Warehouses, Buildings, and Rooms as the said Commissioners shall from Time to Time approve, and of which the Distiller or Rectifier or Person specially licensed as aforesaid, proposing to make such Mixture, shall specially make Entry for that Purpose with the proper Officer of Excise; and the Removal of such Spirit of Wine, and of any such Article or Substance as aforesaid, to any such entered Place of mixing, and the Time and Mode of mixing the same, and the Sale, Delivery, and Removal of the Methylated Spirit therefrom, shall be under and subject to such Rules, Regulations, and Restrictions, and with and under such Securities, as the said Commissioners may from Time to Time make, direct, or require in that Behalf.

Places of mixing to be approved and entered, and Removal of Articles for mixing and of Methylated Spirit to be made under the Regulations of the Commissioners.

V. All Wood Naphtha or Methylic Alcohol, or other such Article or Substance as aforesaid, to be mixed with such Spirit of Wine, shall before the mixing thereof be examined by and subject to the Approval of an Officer of Excise appointed in that Behalf; and it shall be lawful for the Commissioners of Inland Revenue, if they shall think fit, to provide the Wood Naphtha, Methylic Alcohol, or other such Article or Substance, as aforesaid, for and at the Expense of the Person proposing to make such Mixture.

Wood Naphtha, &c., to be inspected by Officer before mixing, and Commissioners may provide same.

VI. It shall be lawful for the Commissioners of Inland Revenue, if they shall think fit, to provide Warehouses for the making, mixing, and storing of Methylated Spirit, and also to provide Workmen requisite in that Behalf, and to charge in respect of all Methylated Spirit made, mixed, or stored in any such Warehouse the Rate of One Penny *per* Gallon *per* Month, and the like Rate for any fractional Part of a Month, as a Compensation for Warehouse Rent and such Labour as aforesaid.

Commissioners may provide Warehouses and Labour for mixing and storing Methylated Spirit for a certain Payment.

VII. The proper Officer of Excise shall keep a Stock Account, by Way of Debtor and Creditor, of all Methylated Spirit made by every Maker of such Spirit, and shall in such Account debit the Stock with the Quantity of such Spirit from Time to Time made or added thereto, and shall credit the same with the Quantity from Time to Time duly and legally sent out therefrom; and in the keeping and taking of every such Account

A Stock Account to be kept of Methylated Spirit in the Possession of every Maker.

Account all such Methylated Spirit shall be calculated to Proof Gallons and Fractions thereof, and for this Purpose the Strength of such Methylated Spirit as indicated by Sykes's Hydrometer shall be deemed to be the true Strength thereof; and if at any Time the Quantity of Methylated Spirit found in the Stock or Possession of any such Maker shall exceed by a greater Rate than One *per Centum* the Quantity thereof which by the Stock Account so kept by such Officer ought to be in the Stock or Possession of such Maker, computing such Rate of One *per Centum* on the Quantity of Methylated Spirit formed by the Balance left on the last Stock-taking and the Quantity thereof since made and duly added to such Stock, all such Excess Quantity of Methylated Spirit shall be forfeited, and may be seized by any Officer of Excise; and if at any Time the Quantity of Methylated Spirit found in the Stock or Possession of any such Maker shall be deficient by a greater Rate than Two *per Centum*, calculated as aforesaid, of the Quantity thereof which by such Stock Account ought to be in the Stock or Possession of such Maker, he shall be charged with and shall pay for all such deficient Quantity the Rate of Duty chargeable upon Spirits distilled in that Part of the United Kingdom where such Stock shall be kept.

Excess of Stock to be forfeited, and Deficiency to be charged with Duty.

Methylated Spirit to be delivered only from an entered Place, and accompanied by a Permit.

VIII. No Methylated Spirit shall be sold, sent out, or delivered from any Place other than a Warehouse, Building, or Store-room approved and duly entered as aforesaid for the mixing or storing of such Spirit, or otherwise than in Vessels containing not less than Ten Gallons, each distinctly labelled with the Words "Methylated Spirit," and accompanied by a proper Permit or other such Document as the said Commissioners may order or direct to be used to accompany such Spirit on the Removal thereof; and if any Person shall unlawfully or improperly sell, send out, deliver, or remove any Methylated Spirit, contrary to any of the Provisions of this Act, or the Regulations of the said Commissioners to be made in this Behalf, he shall forfeit the Sum of Fifty Pounds, and such Methylated Spirit shall be forfeited, and may be seized by any Officer of Excise.

Penalty for unlawful Delivery or Removal, 50*l.*, and Forfeiture of the Spirit.

Persons to be authorized by the Commissioners to receive Duty-free Methylated Spirit for Use in the

IX. The Commissioners of Inland Revenue shall, by themselves or their Officers, license or authorize such Persons as the said Commissioners shall think fit to receive Methylated Spirit Duty-free, to be used in the several Branches of the Arts or Manufactures carried on by them respectively, and shall provide and deliver to such Persons Forms of Requisition to be used by them in procuring Methylated Spirit from the Makers thereof, and Counterfoils of such Requisitions to be filled up and retained by such licensed or authorized Persons for the Inspection of the Officers of Excise; and every such Requisition shall be accompanied by a Certificate signed by an Officer of Excise to be authorized by the said Commissioners in that Behalf, certifying that the Applicant is a person so licensed or authorized as aforesaid; and no Methylated Spirit shall be sold or delivered to any Person except upon his delivering to the Maker thereof a Requisition for the same in such Form as shall be supplied to him for that Purpose, together with such Certificate as aforesaid.

Arts or Manufactures.

X. Every Person who may be licensed or authorized as aforesaid to receive Duty-free Methylated Spirit under the Provisions of this Act shall enter into a Bond to Her Majesty, with Sureties to the Satisfaction of the Commissioners of Inland Revenue, and in such Sum and with a Condition in such Form as they shall think fit, as a Security that such licensed or authorized Person will use such Methylated Spirit wholly in the Art or Manufacture specified in such Condition which such Person carries on, and that he will not use the same or any Portion of it for any other Purpose, or sell or dispose of it in any other Manner, and further, that such licensed or authorized Person will with respect to all such Methylated Spirit observe, comply with, and fulfil all the Provisions, Terms, and Conditions of this Act, and the Rules and Regulations which the said Commissioners shall make and issue under the Authority hereof.

Persons authorized to receive Duty-free Methylated Spirit to give Security for the proper Use of it in their Manufactures.

XI. All Permits, Certificates, Forms of Requisition, and other Documents to be used under the Provisions of this Act shall be provided in the Manner directed by the Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixteen, as to Permits, and by the Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her present Majesty's Reign, Chapter One hundred and twenty-one, as to Certificates, Forms of Requisition, and other such Documents as aforesaid; and all Clauses, Regulations, Pains, Penalties, and Forfeitures contained in or enacted by the said several Acts in relation to Permits and Certificates respectively shall be applied and enforced with respect to the Permits, Certificates, Forms of Requisition, and other Documents to be used under the Provisions of this Act, for the Purpose of preventing, detecting, and punishing all Frauds, Forgeries, and other Offences committed in relation to such last-mentioned Permits and Certificates, and to such Forms of Requisition and other Documents respectively, and for all other Purposes incident to the Use thereof.

Enactments in former Acts as to Permits and Certificates, to be applied to Permits, Certificates, &c. under this Act.

XII. Every Person so licensed or authorized as aforesaid to

Persons ordering

Methylated Spirit to fill up Requisition and Counterfoil, and produce the latter to Officer when required.

to receive Methylated Spirit shall, on ordering the same from the Maker thereof, correctly fill up the Form of Requisition with the proper Quantity to be ordered and other Particulars which may be required by any Regulation of the said Commissioners to be inserted in such Requisition; and he shall also correctly fill up the Counterfoil of such Requisition with all such Particulars as aforesaid, and retain such Counterfoil, and produce and deliver the same to any Officer of Excise who may require to inspect the same, under the Penalty of Fifty Pounds for any Neglect, Omission, or Refusal in respect of any Matter or Thing in this Clause enjoined or required to be done.

Officers of Excise may enter Premises where Methylated Spirit is used, and inspect and take Samples.

XIII. It shall be lawful for any Officer of Excise, in the Daytime, to enter and inspect the Premises where Methylated Spirit is or may be used by any Person licensed or authorized as aforesaid to use the same; and it shall also be lawful for any such Officer to inspect, examine, and take Samples from all such Methylated Spirit as he may there find, paying a reasonable Compensation for such Samples; and if any Person shall refuse to allow such Officer to enter any such Premises, or to make such Inspection or Examination, or to take any such Sample as aforesaid, such Person so refusing shall forfeit the Sum of Fifty Pounds.

Commissioners may revoke Authority to make or use Methylated Spirit, or Approval of Places for making or storing same.

XIV. Provided always, That it shall be lawful for the Commissioners of Inland Revenue, if they shall think fit, at any Time, to revoke their Licence or Authority granted to any Person to make or to receive or use Duty-free Methylated Spirit, under the Provisions of this Act, and also to revoke their Approval of any Warehouse, Building, or Room as a Place for mixing, making, or storing any such Spirit.

Makers not to supply Methylated Spirit to Persons whose Authority to use the same is revoked.

XV. Provided always, That no Maker of Methylated Spirit shall sell, supply, or deliver any such Spirit to any Person respecting whom Notice in Writing shall have been given to such Maker by any Supervisor or other Superior Officer of Excise, that the Licence or Authority granted to such Person to receive or use Methylated Spirit has been revoked, or that such Person is otherwise disqualified to receive or use such Spirit, notwithstanding that such Person may produce and deliver to such Maker of Methylated Spirit a proper Form of Requisition for such Spirit, accompanied by such Certificate as herein-before mentioned; and if any Maker of Methylated Spirit shall sell, supply, or deliver any such Spirit to or for the Use of any Person respecting whom he shall have received any such Notice as aforesaid, such Maker shall be charged with and shall pay for and upon such Spirit the Rate of Duty chargeable upon Spirits distilled in that Part of the United Kingdom where he shall make Methylated Spirit.

Methylated Spirit found in the Possession of a Person not entitled to have same, or in an unentered Place, forfeited, and Penalty incurred.

XVI. No Person, other than a Distiller or Rectifier or licensed Person authorized respectively to make Methylated Spirit, or a Person licensed or authorized, under the Provisions of this Act, to receive and use Methylated Spirit, shall have any such Spirit in his Possession; and if any Methylated Spirit shall be found in the Possession of any Distiller or Rectifier or Person licensed to make such Spirit, otherwise than in a Room or Place duly entered for making, mixing, or storing such Spirit, or if any Methylated Spirit shall be found in the Possession of any Person not licensed or authorized as aforesaid, except on the Removal thereof accompanied by a proper Permit or Certificate in that Behalf, all such Methylated Spirit so found as aforesaid shall be forfeited, and may be seized by any Officer of Excise, and the Person in whose Possession the same shall be found shall forfeit the Sum of One hundred Pounds.

Commencement of Act.

XVII. This Act shall commence and take effect on the First Day of *October* One thousand eight hundred and fifty-five.

CAP. XXXIX.

An Act to facilitate Grants of Lands and Tenements for the Purpose of Religious Worship and other Purposes connected therewith.—[26*th* June 1855.] (Ireland.)

CAP. XL.

An Act for further promoting the Establishment of free Public Libraries and Museums in Ireland.—[26*th* June 1855.]

CAP. XLI.

An Act for abolishing the Jurisdiction of the Ecclesiastical Courts of England *and* Wales *in Suits for Defamation.*—[26*th* June 1855.]

CAP. XLII.

An Act to enable British *Diplomatic and Consular Agents Abroad to administer Oaths and do Notarial Acts.*—[2*d* July 1855.]

CAP. XLIII.

An Act to enable Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage.—[2*d* July 1855.]

CAP. XLIV.

An Act to amend an Act of last Session, to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum in Dublin.—[2*d* July 1855.]

CAP. XLV.

An Act for further assimilating the Practice in the County Palatine of Lancaster *to that of other Counties with respect to the Trial of Issues from the Superior Courts at* Westminster.—[16*th* July 1855.]

CAP. XLVI.

An Act for disafforesting the Forest of Woolmer.—[16*th* July 1855.]

CAP. XLVII.

An Act to continue an Act of the Eighteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England *and* Wales *upon the Common Fund.*—[16*th* July 1855.]

CAP. XLVIII.

An Act for the better Administration of Justice in the Cinque Ports.—[16*th* July 1855.]

CAP. XLIX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employment, and to extend the Time limited for these Purposes respectively.—[16*th* July 1855.]

CAP. L.

An Act to amend the Provisions of the Court of Exchequer (Ireland) *Act,* 1850.—[16*th* July 1855.]

CAP. LI.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.—[16*th* July 1855.]

CAP. LII.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.—[16*th* July 1855.]

CAP. LIII.

An Act to relieve the East India Company from the Obligation to maintain the College at Haileybury.—[16*th* July 1855.]

CAP. LIV.

An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "*to confer a Constitution on* New South Wales, *and* "*to grant a Civil List to Her Majesty.*"—[16*th* July 1855.]

CAP. LV.

An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, *to establish a Constitution in and for the Colony of* Victoria.—[16*th* July 1855.]

CAP. LVI.

An Act to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in Her Majesty's Australian *Colonies, and to make other Provision in lieu thereof.*—[16*th* July 1855.]

CAP. LVII.

An Act further to amend the Laws relating to the Militia in England.—[16*th* July 1855.]

CAP. LVIII.

An Act to better enable the Chancellor and Council of the Duchy of Lancaster *to sell and purchase Land on behalf of Her Majesty, Her Heirs and Successors, in right of the said Duchy of* Lancaster.—[16*th* July 1855.]

CAP. LIX.

An Act to facilitate Inquiries of Commissioners of Endowed Schools in Ireland.—[23*d* July 1855.]

CAP. LX.

An Act for excepting Gold Wedding Rings from the Operation of the Act of the last Session relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares.—[3*d* July 1855.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of Her Majesty the now Queen, intituled *An Act for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating* 17 & 18 Vict. c. 96.

relating to the assaying of Gold and Silver Wares, whereby it is, amongst other things, enacted, that if any of the Gold Wares which by any Statute now in force are not liable to be assayed and marked shall nevertheless be assayed and marked as of One of the Standards authorized by Law, such Wares shall not by reason thereof be chargeable with the Duty now levied on Gold Plate: And whereas by certain Statutes now in force no Gold Rings, except Mourning Rings, are liable to be assayed and marked, but Gold Wedding Rings have nevertheless been assayed and marked: And whereas it is expedient that Gold Wedding Rings should be made liable to the Provisions of the Statutes now in force relating to the assaying and marking of Gold Plate: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Gold Wedding Rings to be assayed and marked.

I. From and after the passing of this Act, Gold Wedding Rings shall be assayed and marked in like Manner as Gold Plate not exempted is required by the Statutes now in force to be assayed and marked, and all the Provisions of the Statutes relating to the Manufacture or Sale of Gold Plate shall apply to Gold Wedding Rings, anything therein contained to the contrary notwithstanding.

Sect. 3. of 17 & 18 Vict. c. 96 repealed.

II. The Third Section of the Act passed in the Eighteenth Year of the Reign of Her present Majesty, herein recited, is hereby repealed so far as the same might affect Gold Wedding Rings.

Certain Companies, &c. authorized to assay and mark Gold Wares indemnified.

III. And whereas since the coming into operation of the said recited Act certain of the Companies and Corporations authorized to assay and mark Gold Wares have assayed and marked divers Gold Rings of the Standards required by Law before the passing of the said recited Act, and have upon such assaying and marking by their Officers and Servants demanded and received, for the Use of Her Majesty, the same Duty as was payable to Her Majesty in respect of the like Gold Rings when assayed and marked before the passing of the said recited Act: And whereas doubts have been entertained whether such Demands and Receipts of such Duty were lawful: Be it enacted, that all such Demands and Receipts of such Duty shall be deemed and taken to have been lawful, notwithstanding the said recited Act, and that none of the said Companies or Corporations, or of their Officers or Servants, shall be liable to any Action, Suit, or other Proceeding by reason or on account of any such Demand or Receipt as aforesaid.

CAP. LXI.

CAP. LXI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England *and* Wales.—[23d July 1855.]

CAP. LXII.

An Act to amend an Act of the Eighteenth Year of Her Majesty, to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of Illicit Distillation in Ireland.—[23*d* July 1855.]

CAP. LXIII.

An Act to consolidate and amend the Law relating to Friendly Societies.—[23*d* July 1855.]

WHEREAS it would conduce to the Improvement of the Law relating to Friendly Societies if the several Statutes relating thereto were consolidated, and certain Additions and Alterations were made therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Acts or Parts of Acts set forth in First Schedule repealed.

I. That there shall be hereby repealed the several Acts or Parts of Acts set forth in the First Schedule hereto, save and except as to any Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken, under the same, before the Commencement of this Act.

Societies under former Acts to continue.

II. Provided nevertheless, That, notwithstanding the Repeal of the said several Statutes, every Friendly Society now subsisting, which heretofore had been formed and established under the said Acts or any of them, shall still be deemed to be and shall continue to be a subsisting Society, as fully as if this Act had not been made, unless and until such Society shall be dissolved, or united with some other Society as herein-after mentioned.

III. Pro-

Their Rules to continue in force, and Enrolments to be sent to Registrar.

III. Provided also, That the Rules of every such subsisting Society hitherto formed and established, which have been hitherto confirmed, registered, or certified under the said Acts or any of them, shall be deemed valid and in force until the same shall be altered or rescinded as herein-after mentioned; and all Transcripts of any of such Rules which are now filed with the Rolls of the Sessions of the Peace of any County, Riding or Division, City or Borough, Liberty or Place, shall be taken off the File, and shall be transmitted, on or before the First Day of *November* One thousand eight hundred and fifty-five, to the Registrar under this Act, to be by him kept in such Manner as shall be directed from Time to Time by One of Her Majesty's Secretaries of State in that Behalf.

All their Contracts, and all Bonds, &c. to them, to continue in force.

IV. Provided also, That all Contracts and Engagements by or with any of the said Societies now valid and in force, and all Bonds and Securities heretofore given by any Trustee, Treasurer, or other Officer of any such Society, shall continue and be valid and in force notwithstanding the Repeal of the said Acts.

Their Exemptions, Powers, and Privileges under this Act.

V. All such subsisting Societies, whose Rules have heretofore been confirmed, registered, or certified under the said Acts or any of them, shall, so long as they shall not hereafter effect an Assurance to any Member thereof, or other Person, of any Sum exceeding Two hundred Pounds, or of any Annuity exceeding Thirty Pounds *per Annum*, enjoy all the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act, as fully as if they had been registered and certified under this Act as hereinafter mentioned.

Registrars.

Registrars, how and by whom appointed.

VI. For the Purposes of this Act, there shall be Three Registrars of Friendly Societies, One for *England*, One for *Scotland*, and One for *Ireland*, who shall hold their respective Offices during the Pleasure of the Commissioners for the Reduction of the National Debt; and upon the Death, Resignation, or Removal of any One of them, the said Commissioners shall appoint another, being a Barrister in *England* or *Ireland*, and in *Scotland* an Advocate, of not less than Seven Years standing, to the said Office.

Their Salaries.

VII. It shall be lawful for the Commissioners of Her Majesty's Treasury to pay to the present Registrar for *England* a Salary equal to that which has been paid to him yearly in each of the Three last Years, not exceeding One thousand Pounds *per Annum*, and to pay to any Registrar hereafter to be appointed for *England* a Salary not exceeding Eight hundred Pounds a Year, and to pay to the Registrars for *Scotland* and *Ireland* respectively a Salary such as the said Commissioners shall direct not exceeding One hundred and fifty Pounds a Year, every such Salary to be paid by Four equal Quarterly Payments; and any of the said Registrars who shall be appointed, or who shall die, resign, or be removed from his Office, in the Interval between Two Quarterly Days of Payment, shall be entitled to a proportionate Part of his Salary, and such Salaries and proportionate Parts of Salaries shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Their Expenses of Office, &c.

VIII. The said Commissioners of Her Majesty's Treasury shall, out of such Monies as may be provided by Parliament for the Purpose, pay to the said Registrars respectively such Sum as will defray the Expenses allowed by the said Commissioners from Time to Time for Office Rent, Salaries of Clerks, Stationery, Computation of Tables, and for such other Expenses as may be incurred by them respectively.

Societies, how and for what Purpose formed.

IX. It shall be lawful for any Number of Persons to form and establish a Friendly Society, under the Provisions of this Act, for the Purpose of raising by Voluntary Subscriptions of the Members thereof, with or without the Aid of Donations, a Fund for any of the following Objects; (that is to say,)

For Payments on Death.

1. For insuring a Sum of Money to be paid on the Birth of a Member's Child, or on the Death of a Member, or for the Funeral Expenses of the Wife or Child of a Member:

For Relief in Sickness, &c.

2. For the Relief or Maintenance of the Members, their Husbands, Wives, Children, Brothers or Sisters, Nephews or Nieces, in old Age, Sickness, or Widowhood, or the Endowment of Members or Nominees of Members at any Age:

For other Purpose authorized by Secretary of State, &c.

3. For any Purpose which shall be authorized by One of Her Majesty's Principal Secretaries of State, or in *Scotland* by the Lord Advocate, as a Purpose to which the Powers and Facilities of this Act ought to be extended:

Provided, that no Member shall subscribe or contract for an Annuity exceeding Thirty Pounds *per Annum*, or a Sum payable on Death, or on any other Contingency, exceeding Two hundred Pounds:

And if such Persons so intending to form and establish such Society shall transmit Rules for the Government, Guidance, and Regulation of the same, to the Registrar aforesaid, and shall obtain his Certificate that the same are in conformity with Law as herein-after mentioned, then the said Society shall be deemed to be fully formed and established from the Date of the said Certificate.

No Money to be paid on the Death of a Child without a Copy of Entry of the Registrar of Deaths.

X. In any Society in which a Sum of Money may be insured payable on the Death of a Child under Ten Years of Age, it shall not be lawful to pay any Sum for the Funeral Expenses of such Child, except upon Production of a Copy of the Entry in the Register of Deaths, signed by the Registrar of the District in which the Child shall have died; and if such Entry shall not state that the Cause of Death has been certified by a qualified Medical Practitioner, or by a Coroner, a Certificate signed by a qualified Medical Practitioner, stating the probable Cause of Death, shall be required, and it shall not be lawful in that Case to pay any Sum without such Certificate; and no Trustee or Officer of any Society, upon an Insurance of a Sum payable for the Funeral Expenses of any such Child, made after the passing of this Act, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society for the Funeral Expenses of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between Five and Ten Years to a Sum exceeding Ten Pounds; and any such Trustee or Officer who shall make any such Payment otherwise than as aforesaid, or who shall pay any Sum without endorsing the Amount which he shall pay on the Back or at the Foot of the Copy of Entry signed by the said Registrar, shall be liable to a Penalty not exceeding Five Pounds for every such Offence, upon Conviction thereof before Two Justices of the County or Borough in which such Death shall have taken Place: The said Registrar shall be entitled to receive, upon Delivery of such Copy of Entry, for the Purpose of receiving Money from a Friendly Society, a Fee of One Shilling, and it shall not be lawful for Him to deliver more than One such Copy for such Purpose, except by the Order of a Justice of the Peace.

Benevolent Societies in what Case entitled to the Benefits of this Act.

XI. And whereas many Provident, Benevolent, and Charitable Institutions and Societies are formed and may be formed for the Purpose of relieving the Physical Wants and Necessities of Persons in poor Circumstances, or for improving the Dwellings of the Labouring Classes, or for granting Pensions, or for providing Habitations for the Members or other Persons elected by them, and it is expedient to afford Protection to the Funds thereof: Be it enacted, That if Two Copies of the Rules of any such Institution or Society, and from Time to Time the like Copies of any Alterations or Amendments made in the same, signed by Three Members and the Secretary thereof, shall be transmitted to the Registrar aforesaid, such Registrar shall, if he shall find that the same are not repugnant to law, give a Certificate to that Effect; and thereupon the following Sections of this Act, that is to say, the Seventeenth,

teenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Twenty-second, Fortieth, Forty-first, Forty-second, and Forty-third, shall extend and be applicable to the said Institution and Society, as fully as if the same were a Society established under this Act.

Statutes as to unlawful Oaths not to extend to Societies under this Act or any repealed Acts.

XII. The Act of the Thirty-ninth of *George* the Third, Chapter Seventy-nine, and the Act of the Fifty-seventh of *George* the Third, Chapter Nineteen, and also the Act of the Fourteenth and Fifteenth of Her present Majesty, Chapter Forty-eight, relating to unlawful Oaths in *Ireland*, shall not extend to any Society established under this Act or any of the Acts hereby repealed, or to any Meeting of the Members or Officers thereof in which Society or at which Meeting no Business whatever is transacted other than that which directly and immediately relates to the Objects of the Society as declared in the Rules thereof, and set forth in the certified Copy thereof: Provided, that the Trustees or other Officers of the Society, when required under the Hands of Two of Her Majesty's Justices of the Peace, shall give full Information to such Justices of the Nature, Objects, Proceedings, and Practices of such Society, and in default thereof the Provisions of the Acts herein recited shall be in force in respect of such Society.

Societies, how dissolved.

XIII. It shall be lawful for the Members of any Society heretofore formed and established, or hereafter to be formed and established, at some Meeting thereof to be specially called in that Behalf, to dissolve or determine the same by Consent: Provided that no Society established under this or any Act relating to Friendly Societies shall be dissolved or determined without obtaining the Votes of Consent of Five Sixths in Value of the then existing Members thereof, including the honorary Members, if any, to be ascertained in manner herein-after mentioned, nor without the Consent of all Persons, if any, then receiving or then entitled to receive any Relief, Annuity, or other Benefit from the Funds thereof, to be testified under their Hands individually and respectively, unless the Claim of every such Person be first duly satisfied, or adequate Provision made for satisfying such Claim; and for the Purpose of ascertaining the Votes of such Five Sixths in Value of the Numbers as aforesaid, every Member shall be entitled to One Vote, and an additional Vote for every Five Years that he may have been a Member, but no One Member shall have more than Five Votes in the whole; and the intended Appropriation or Division of the Funds or other Property shall be fairly and distinctly stated in the Agreement for Dissolution prior to such Consent being given; and the Agreement for such Dissolution, duly signed as aforesaid, accompanied with a statutory Declaration by One of the Trustees, or by Three Members and the Secretary, taken before a Justice of the Peace, that the Provisions of this Act have been complied with, shall be forthwith transmitted the Registrar, to be by him deposited with the Rules of the Society, and such Agreement shall thereupon be an effectual Discharge at Law and in Equity to the Trustees, Treasurers, and other Officers of such Society, and shall operate as a Release from all the Members of the Society to such Trustees, Treasurers, and other Officers; and it shall not be lawful in any Society to direct a Division or Appropriation of any Part of the Stock thereof, except for the Purpose of carrying into effect the general Interests and Objects declared in the Rules as originally certified, unless the Claim of every Member is first duly satisfied, or adequate Provision be made for satisfying such Claims; and in case any Member of such Society shall be dissatisfied with such Provision, it shall be lawful for him or her to apply to the Judge of the County Court of the District within which the usual Place of Business of the Society is situated for Relief or other Order; and the said Judge shall have the same Powers to entertain such Application, and to make such Order or Direction in relation thereto, as he may think the Justice of the Case may require, as herein-after is enacted in regard to the Settlement of Disputes; and in the event of the Dissolution or Determination of any Society, or the Division or Appropriation of the Funds thereof, except in the way herein-before provided, any Trustee or other Officer or Person aiding or abetting therein shall, on Conviction thereof by Two Justices, be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Term not exceeding Three Calendar Months, as to such Justices shall seem meet.

Societies may unite with others, or One Society may transfer its Engagements to another.

XIV. It shall be lawful for any Two or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in One Society, with or without any Dissolution or Division of the Funds of such Societies or either of them; or a Society formed and established under this Act or any of the said repealed Acts may be allowed to transfer its Engagements to any other Friendly Society, if any other such Society shall undertake to fulfil the Engagements of such Society, upon such Terms as shall be agreed upon by the major Part of the Trustees, and also of the Committee of Management of both Societies, or the Majority of the Members of each of such Societies at a General Meeting convened for the Purpose.

Minors may be elected as Members.

XV. A Person under the Age of Twenty-one may be elected or admitted as a Member of any Society established under this Act or any of the Acts hereby repealed, the Rules of which do not prohibit such Election, and may and he is hereby empowered to execute all necessary Instruments and to give all necessary Acquittances: Provided always, that during his Nonage he shall not be competent to hold any Office of Director, Trustee, Treasurer, or Manager of such Society.

Buildings for the Purpose may be purchased or leased.

XVI. It shall be lawful for the Trustee or Trustees for the Time being of any Friendly Society formed and established under this Act or under any of the Acts hereby repealed, with the Consent of a Majority of the Members thereof present at a Special or General Meeting of the Society, to purchase, build, hire, or take upon Lease any Building for the Purpose of holding such Meetings, and to adapt and furnish the same, and to purchase or hold upon Lease any Land not exceeding One Acre for the said Purpose of erecting thereon a Building for holding the Meetings of the Society, and such Trustee or Trustees shall thereupon hold the same in trust for the Use of such Society; and, with the like Consent as aforesaid, such Trustee or Trustees may mortgage, sell, exchange, or let such Building or any Part thereof; and the Receipt in Writing of such Trustee, or One of such Trustees for the Time being, shall be a legal Discharge for the Money arising from such Mortgage, Sale, Exchange, or Letting; and no Mortgagee, Purchaser, Tenant, or Assignee shall be bound to inquire into or ascertain or prove the Consent aforesaid, to verify his Title: Provided always, that any Building purchased or appropriated fot the Purpose aforesaid already belonging to or in the Possession of any Friendly Society heretofore formed and established under the said repealed Acts or any of them may be holden and dealt with as if it had been acquired under this Act; and the Land or Buildings which may be vested in the Treasurer, Trustee, or other Officer thereof for the Time being shall thereupon vest in the Trustee or Trustees for the Time being of such Society, for the same Estate and Interest as the said Treasurer, Trustee or other Officer may have therein, without any Conveyance or Assignment whatever: Provided nevertheless, that all Money spent in purchasing, building, hiring, or taking upon Lease any Building for the Purpose of holding such Meetings, and in adapting and furnishing the same, be raised according to the Rules of the Society on such Behalf inserted; and this Section shall apply to any Society registered under the Industrial and Provident Societies Act, 1852, and to any Building or Land to be purchased, built, hired, or taken on Lease for the Purposes of the Labour, Trade, or Handicraft of such Society, in all respects as hereby enacted with regard to any Building or Land for the holding the Meetings of any Friendly Society.

Trustees, how appointed.

XVII. Every Friendly Society established under this Act shall, at some Meeting of its Members, and by a Resolution of a Majority of the Members then present, nominate and appoint One or more Person or Persons to be Trustee or Trustees for the said Society, and the like in the Case of any Vacancy in the said Office; and a Copy of the Resolution so appointing such Person or Persons to the Office of Trustee, and signed by such Trustee or Trustees and by the Secretary of the said Society, shall be sent to the Registrar, to be by him deposited with the Rules of the said Society in his Custody: Provided always, that where no Trustee shall have been appointed in any Society established under any One of the Acts hereby repealed, the Treasurer thereof, or other Person who has Custody of the Monies of such Society, shall be taken to be a Trustee, within the Meaning of this Act.

Property of the Society vested in them.

XVIII. All Real and Personal Estate whatsoever belonging to any such Society established under this Act or any of the Acts hereby repealed shall be vested in such Trustee or Trustees for the Time being, for the Use and Benefit of such Society and the Members thereof, and the Real or Personal Estate of any Branch of a Society shall be vested in the Trustees of such Branch, and be under the Control of such Trustee or Trustees, their respective Executors or Administrators, according to their respective Claims and Interest, and upon the Death or Removal of any such Trustee or Trustees the same shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Conveyance or Assignment whatsoever, save and except in the Case of Stocks and Securities in the Public Funds of *Great Britain* and *Ireland*, which shall be transferred into the Name or Names of such new Trustee or Trustees; and in all Actions or Suits or Indictments, or Summary Proceedings before Magistrates, touching or concerning any such Property, the same shall be stated to be the Property of the Person or Persons for the Time being holding the said Office of Trustee, in his or their proper Name or Names, as Trustees of such Society, without any further Description.

Actions, &c. by or against them.

XIX. The Trustee or Trustees of any such Society are hereby authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution in any Court of Law or Equity, touching or concerning the Property, Right, or Claim to Property of the Society for which he or they are such Trustee or Trustees as aforesaid; and such Trustee or Trustees shall and may, in all Cases concerning the Real or Personal Property of such Society, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no such Action, Suit, or Prosecution shall be discontinued or shall abate by the Death of such Person, or his Removal from the Office of Trustee, but the same shall and may be proceeded in by or against the succeeding Trustee or Trustees as if such Death or Removal had not taken place; and such succeeding Trustee or Trustees shall pay or receive the like Costs as if the Action or Suit or Prosecution had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Society.

Limitation of his Responsibility.

XX. Provided nevertheless, That no Trustee or Trustees of any such Society shall be liable to make good any Deficiency which may arise or happen in the Funds of such Society, but shall be liable only for the Monies which shall be actually received by him on account of such Society.

Treasurer to give Security.

XXI. The Treasurer of every such Society, and every Treasurer hereafter appointed in any Society established under any of the repealed Acts, ar any other Officer who is required by the Rules to give Security, shall, before he take upon himself the Execution of his Office, become bound with One sufficient Surety, in a Bond according to the Form set forth in the Third Schedule to this Act, or give the Security of a Guarantee Society established in *London*, in such penal Sum as the Society or the Committee of Management shall direct and appoint, conditioned for his just and faithful Execution of his said Office of Treasurer, and for rendering a just and true Account of all Monies received or paid by him on account of the said Society at such Times as the Rules of the said Society shall direct and appoint, and at such Times as he shall be required so to do by the Trustee or Trustees of the said Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at any Meeting of such Society; and every such Bond shall be given to the Trustee or Trustees of the said Society for the Time being; and if the same shall at any Time become forfeited, it shall be lawful for such Trustee or Trustees for the Time being to sue upon such Bond for the use of such Society; and in *Scotland*, such Bond shall have the same Force and Effect as a Bond there in use duly attested and completed, and containing a Clause of Registration for Execution as well as for Preservation in the Books of Council and Session and other Judges Books competent, and shall be registered in such Books accordingly, with a view to Diligence.

Treasurer to account.

XXII. Every such Treasurer or other Officer, whether appointed before or after the passing of this Act, at such Times as by the Rules of such Society he should render such Account as aforesaid, or upon being required so to do by the Trustee or Trustees of such Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at a Meeting of the said Society as aforesaid, within Seven Days after such Requisition shall render to the Trustee or Trustees of the Society, or to the said Committee of Management or to the Members of such Society at a Meeting of the Society, a just and true Account of all Monies received and paid by him since he last rendered the like Account, and of the Balance then remaining in his Hands, and of all Bonds or Securities of such Society, which Account the said Trustee or Trustees or Committee of Management shall cause to be audited by some fit and proper Person or Persons by them to be appointed; and such Treasurer, if thereunto required, upon the said Account being audited, shall forthwith hand over to the said Trustee or Trustees the Balance which on such Audit shall appear to be due from him, and shall also, if required, hand over to such Trustee or Trustees all Securities and Effects, Books, Papers, and Property of the said Society in his Hands or Custody; and if he fail to do so the Trustee or Trustees of the said Society may sue upon the Bond aforesaid, or may sue such Treasurer in the County Court of the District, or in any of the Superior Courts of Common Law, or in any other Court having Jurisdiction, for the Balance appearing to have been due from him upon the Account last rendered by him, and for all the Monies since received by him on account of the said Society, and for the Securities and Effects, Books, Papers, and Property in his Hands or Custody, leaving him to set off in such Action the Sums, if any, which he may have since paid on account of the said Society; and in such Action the said Trustee or Trustees shall be entitled to recover their full Costs of Suit, to be taxed as between Attorney and Client.

Property how recovered, if the Officer die or become bankrupt or insolvent.

XXIII. If any Person already appointed or employed or hereafter to be appointed or employed to or in any Office in any Friendly Society established under this Act or under any of the Acts hereby repealed, whether such Appointment or Employment was before or after the legal Establishment of such Society, and having in his Hands or Possession, by virtue of his Office, any Monies or Property whatsoever of such Society, or any Deeds or Securities belonging to such Society, shall die or become bankrupt or insolvent, or have any Execution or Attachment or other Process issued against him or any Part of his Property, or shall have any Action or Diligence raised against his Lands, Goods, Chattels, or Effects, or Property or other Estate, heritable or moveable, or shall make any Assignment, Disposition, Assignation, or other Conveyance for the Benefit of his Creditors, the Heirs, Executors, Administrators, or Assignees of every such Officer, and every other Person having or claiming Right to the Property of such Officer, and the Sheriff or other Person executing such Process, and the Party using such Action or Diligence respectively, shall, upon Demand in Writing made by the Treasurer or by the Trustee or any Two of the Trustees of such Society, or any Person appointed at some Meeting of the Society to make such Demand, deliver and pay over all such Monies, Property, Deeds, and Securities belonging to such Society to such Person as such Treasurer or Trustees shall appoint, and shall pay, out of the Estate, Assets, or Effects, heritable or moveable, of such Officer, all Sums of Money due which such Officer shall have received, before any other of his Debts are paid, and before any other Claims upon him shall be satisfied, and before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and all such Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment, Discharge, and Satisfaction of such Claims.

Punishment of Fraud in withholding Money, &c.

XXIV. If any Officer, Member, or other Person, being or representing himself to be a Member of such Society, or the Nominee, Executor, Administrator, or Assignee of a Member thereof, or any Person whatsoever, by false Representation or Imposition, shall obtain Possession of any Monies, Securities, Books, Papers, or other Effects of such Society, or having the same in his Possession shall withhold or misapply the same, or shall wilfully apply any Part of the same to Purposes other than those expressed or directed in the Rules of such Society, or any Part thereof, it shall be lawful in *England* for any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Person on behalf of such Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons; and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, in manner directed by the Act passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three; and in *Scotland* every such Offence may be prosecuted by summary Complaint at the Instance of the Procurator Fiscal of the County, or of the Society, with his

Concurrence, before the Sheriff; and if the said Justices or Sheriffs respectively shall determine the said Complaint to be proved against such Person, they shall adjudge and order him to deliver up all such Monies, Securities, Books, Papers, or other Effects to the Society, or to repay the Amount of Money applied improperly, and to pay, if they think fit, a further Sum of Money not exceeding Twenty Pounds, together with Costs not exceeding Twenty Shillings; and, in default of such Delivery of Effects, or Repayment of such Amount of Money, or Payment of such Penalty and Costs aforesaid, the said Justices or Sheriffs may order the said Person so convicted to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Three Months: Provided, that nothing herein contained shall prevent the said Society, or in *Scotland* Her Majesty's Advocate, from proceeding by Indictment against the said Party; Provided also, that no Person shall be proceeded against by Indictment if a Conviction shall have been previously obtained for the same Offence under the Provisions of this Act.

Rules to be made.

XXV. Before any Friendly Society shall be established under this Act, the Persons intending to establish the same shall agree upon and frame a Set of Rules for the Regulation, Government, and Management of such Society; and in such Rules they may, amongst other things, make Provision for appointing a General Committee of Management of such Society, and delegating to such Committee all or any of the Powers given by this Act to the Members of Friendly Societies formed or established under or by virtue of the same; and such Rules shall set forth,

1. The Name of the Society and Place of Meeting for the Business of the Society:
2. The whole of the Objects for which the Society is to be established, the Purposes for which the Funds thereof shall be applicable, and the Conditions under which any Member may become entitled to any Benefit assured thereby, and the Fines and Forfeitures to be imposed on any Member of such Society:
3. The Manner of making, altering, amending, and rescinding Rules:
4. A Provision for the Appointment and Removal of a General Committee of Management, of a Trustee or Trustees, Treasurer, and other Officers:
5. A Provision for the Investment of the Funds, and for an annual or periodical Audit of Accounts:
6. The Manner in which Disputes between the Society and any of its Members, or any Person claiming by or through

through any Member, or under the Rules, shall be settled:

And the Rules of every such Society shall provide that all Monies received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their Husbands, Wives, Children, Fathers, Mothers, Brothers or Sisters, Nephews or Nieces, for which a separate Table of Contributions payable shall have been adopted, shall be entered in a separate Account, distinct from the Monies received and paid on account of any other Benefit or Fund, and also that a Contribution shall be made to defray the necessary Expenses of Management, and a separate Account shall be kept of such Contributions and Expenses.

Copies to be sent to the Registrar, and his Certificate obtained.

XXVI. Two printed or written Copies of such Rules, signed by Three of the intended Members and the Secretary or other Officer, shall be transmitted to the Registrar aforesaid, and the said Registrar shall advise with the Secretary or other Officer, if required, for the Purpose of ascertaining whether the said Rules are calculated to carry into effect the Intentions and Object of the Persons who desire to form such Society, and if the Registrar shall find that such Rules are in conformity with Law and with the Provisions of this Act, he shall give a Certificate in the Form set forth in the Second Schedule to this Act, and shall return One of the said Copies to the said Society, and shall keep the other in such Manner as shall from Time to Time be directed by One of Her Majesty's Principal Secretaries of State, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules, when so certified as aforesaid, shall be binding on the several Members of the said Society: Provided always, that it shall not be lawful for the said Registrar to grant any such Certificate to a Society assuring to any Member thereof a certain Annuity or certain Superannuation, deferred or immediate, unless the Tables of Contributions payable for such kind of Assurance shall have been certified under the Hand of the Actuary to the Commissioners for Reduction of the National Debt, or by an Actuary of some Life Assurance Company established in *London*, *Edinburgh*, or *Dublin*, who shall have exercised the Profession of Actuary for at least Five Years, and such Certificate be transmitted to the Registrar, together with the Copies of the Rules aforesaid.

Actuary's Certificate to be sent with the Copies in case of Tables of Annuities.

Rules may be altered, amended, rescinded, or new Rules made.

XXVII. After the Rules of a Friendly Society shall have been so certified by the Registrar as aforesaid, it shall be lawful for such Society, by Resolution at a Meeting specially called for that Purpose, to alter, amend, or rescind the same or any of them, or to make new Rules; and it shall be lawful for any Friendly Society formed and established under any of the Acts hereby repealed to alter, amend, or rescind the Rules by which their Society is governed, regulated, or managed, or to make new Rules: Provided always, that Two Copies of the proposed Alterations or Amendments, and of such new Rules, signed by Three Members of such Society, and the Secretary or other Officer, shall be transmitted to the said Registrar, to One of which shall be attached a Declaration by the Secretary or One of the Officers of such Society, that in making the same the Rules of such Society respecting the making, altering, amending, and rescinding Rules, or the Directions of the Act under which such Society was established, have been duly complied with; and if the said Registrar shall find that such Alterations, Amendments, or new Rules are in conformity with Law, he shall give to the Society a Certificate in the Form set forth in the Schedule to this Act, and return One of the Copies to the Society, and shall keep the other, with the Rules of such Society, in his Custody, and for which Certificate no Fee shall be payable to the said Registrar, and as against such Member or Person such Certificate shall be conclusive of the Validity thereof; and all Rules, Alterations, and Amendments, when so certified as aforesaid, shall be binding on the several Members of the said Society, and all Persons claiming on account of a Member or under the said Rules; but unless and until the same shall be so certified as aforesaid such Rules, Alterations, and Amendments shall have no Force or Validity whatsoever.

When Place of Meeting is altered, Notice to be sent to Registrar.

XXVIII. Whenever any Friendly Society established under this Act or under any of the Acts hereby repealed shall change its Place of Business, Notice of such Change, under the Hands of Two of the Trustees or Three Members and Secretary or other Officer, shall, within Fourteen Days thereafter, be sent to the said Registrar.

Circulating false Copies of Rules, &c. a Misdemeanor.

XXIX. If any Person shall give to any Member of a Friendly Society established under this Act or under any of the said repealed Acts, or to any Person intending or applying to become a Member of such Society, a Copy of any Rules, or of any Alterations or Amendments of the same, other than those respectively which have been enrolled with any Clerk of the Peace or certified by the Registrar, with a Copy of his Certificate appended thereto, under colour that the same are binding upon the Members of such Society, or shall make any Alterations in or Addition to any of the Rules or Tables of such Society after they shall have been respectively enrolled or certified by the Registrar, and shall circulate the same, purporting that they have been duly enrolled or certified under this or any of the said repealed Acts, when they have not been so duly enrolled or certified, every Person so offending shall be deemed guilty of a Misdemeanor.

Rules, how received in Evidence.

XXX. All Rules and Tables of any Society established under this Act or any of the said repealed Acts, and all Alterations and Amendments thereof, and all Copies thereof or Extracts therefrom, and all Writings and Documents relating to a Friendly Society, and purporting to be signed by the Registrar, shall, in the Absence of any Evidence to the contrary, be received in all Courts of Law and Equity, and elsewhere, without Proof of the Signature thereto.

On Death of Member, Sum under 50*l.* may be paid without Administration.

XXXI. When, on the Death of any Member of a Society established under this Act or any of the said repealed Acts, a Sum of Money not exceeding Fifty Pounds shall become payable, the same shall be paid by the Trustees of such Society to the Person directed by the Rules thereof, or nominated by the Deceased, in Writing deposited with the Secretary (such Person being the Husband, Wife, Father, Mother, Child, Brother or Sister, Nephew or Niece of such Member); and in case there shall be no such Direction or Nomination, or the Person so nominated shall have died before the deceased Member, or in case the Member shall have revoked such Nomination, then such Sum shall be paid to the Person who shall appear to the said Trustees to be entitled under the Statute of Distributions to receive the same, without taking out Letters of Administration in *England* or *Ireland*, and without Confirmation in *Scotland*: Provided, that wherever the Trustee or Trustees of any such Society, after the Decease of any Member thereof, shall have paid and divided any such Sum of Money to or amongst any Person or Persons who shall at the Time of such Payment appear to such Trustee or Trustees to be entitled to the Effects of any deceased Member who has died intestate, without having appointed any Nominee as aforesaid, the Payment of any such Sum shall be valid and effectual with respect to any Demand from any other Person or Persons as next of Kin of such deceased Member, or as the lawful Representative or Representatives of such Member, against the Funds of such Society or against the Trustees thereof; but nevertheless such next of Kin or Representative shall have his or her lawful Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Indemnity to Trustees.

Funds, how invested.

XXXII. The Trustee or Trustees of every Friendly Society established under this Act or any of the said repealed Acts shall from Time to Time, with the Consent of the Committee of Management of such Society, or of a Majority of the Members of such Society present at a General or Special

Meeting thereof, or in accordance with the Rules of such Society, invest the Funds of such Society, or any Part thereof, to any Amount, in any Savings Bank, or in the Public Funds, or with the Commissioners for the Reduction of the National Debt, as herein-after mentioned, or in such other Security as the Rules of such Society may direct, not being the Purchase of House or Land, (save and except the Purchase of Buildings wherein to hold the Meetings or transact the Business of such Society, as herein-before mentioned, and not being the Purchase of Shares in any Joint Stock Company or other Company, with or without Charter of Incorporation, and not being personal Security, except in the Case of a Member of One full Year's standing at least, and in respect of a Sum not exceeding One Half the Amount of his Assurance on Life, such Member providing the Written Security of himself and Two satisfactory Sureties for Repayment, and in case of such Members Death before Repayment the Amount of such Advance, with Interest, may be deducted from the Sum so assured, without Prejudice in the meantime to the Operation of such Security.

Funds may be invested with the Commissioners of the National Debt.

XXXIII. Every Friendly Society established under this Act which does not assure the Payment in any Event of a Sum exceeding Two hundred Pounds, or an Annuity exceeding Thirty Pounds *per Annum*, may pay any Sum of Money not less than Fifty Pounds into the Bank of *England* or *Ireland*, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustee or of the Trustees, or any Two or more of them, that such Monies belong exclusively to the said Society; and the Cashier of the Bank of *England* is hereby required to receive all such Monies, and to place the same to the Account raised in the Name of the said Commissioners in the Book of the Bank, named "The Fund for Friendly Societies;" and if such Declaration shall not be true, then and in every such Case the Sum of Money so paid in on such Declaration shall be forfeited to the said Commissioners, and shall be applied by them in the Manner directed by any Act or Acts for the Time being in force relating to Savings Banks with respect to the Account of such Banks; and the Regulation of Receipts, Certificates, or Orders concerning Savings Banks shall be deemed applicable to Monies paid in as aforesaid under the Authority of this Act, as if the same had been herein repeated; and every such Society, on paying Money directly into the Bank as aforesaid, shall be entitled to receive Receipts bearing Interest at the Rate of Twopence *per Centum per Diem:* Provided, that every Society which shall deposit any Part of its

Funds in any Savings Bank, or with the Commissioners for Reduction of the National Debt, shall furnish to the said Commissioners from Time to Time such Accounts as they may require in reference to the Funds so deposited.

What Interest old Societies shall have.

XXXIV. Every Society already established under any of the Acts hereby repealed, which shall have heretofore invested any Part of its Funds with the Commissioners for the Reduction of the National Debt, shall be entitled to pay into the Bank of *England* or *Ireland* in Sums of not less than Fifty Pounds, Money received from Members on account of Assurances made before the passing of this Act, and to receive Receipts for the same bearing Interest at such Rate or Rates as such Society has hitherto been entitled to receive on account of such Assurances; that is to say, for Money invested with the Commissioners by any Society legally established before the Twenty-eighth Day of *July* in the Year One thousand eight hundred and twenty-eight, on account of any Assurance made before the Fifteenth Day of *August* in the Year One thousand eight hundred and fifty, Threepence *per Centum per Diem;* and on account of any Assurance effected after that Day, Twopence *per Centum per Diem;* and for Money invested with the Commissioners by any Society established between the Twenty-eighth Day of *July* in the Year One thousand eight hundred and twenty-eight and the Fifteenth Day of *August* in the Year One thousand eight hundred and fifty, on account of Assurances made before the Fifteenth Day of *August* in the Year One thousand eight hundred and fifty, Twopence Halfpenny *per Centum per Diem;* and on account of any Assurance effected after that Day, Twopence *per Centum per Diem;* and for Money invested with the Commissioners by any Society established since the Fifteenth Day of *July* One thousand eight hundred and fifty, the Sum of Twopence *per Centum per Diem:* Provided that the Trustees of every Society which shall have invested or shall invest any Part of its Funds with the said Commissioners shall furnish from Time to Time such Accounts and Returns as the said Commissioners shall require, and shall satisfy the said Commissioners that they are legally entitled to receive such Interest as aforesaid, and to make such further Investment.

Re-depositing of Money withdrawn.

XXXV. Where any Friendly Society shall withdraw Money invested by them with the Commissioners for the Reduction of the National Debt, such Society shall not be entitled to make any further Deposit with the said Commissioners without the Consent of the said Commissioners, or of the Comptroller General or Assistant Comptroller under them.

XXXVI. When-

Transfer of Stock.

XXXVI. Whenever it shall happen that any Person, being or having been a Trustee of any Society established under this Act or any Act hereby repealed, and whether he shall have been appointed before or after the legal Establishment thereof, in whose Name any Part of the several Stocks, Annuities, and Funds belonging to any such Society, transferable at the Bank of *England* or *Ireland*, or in the Books of the Governor and Company of the Bank of *England* or *Ireland*, or in any Savings Bank, is or shall be standing, shall be out of *England* or *Ireland* or *Scotland* respectively, or shall have been removed from his Office of Trustee, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for the Registrar, after receiving an Application in Writing from the Secretary of the Society and Three Members thereof, and upon Proof satisfactory to such Registrar, to direct the Accountant General or other proper Officer for the Time being of the said Governor and Company of the Bank of *England* or *Ireland*, or of any Savings Bank, to transfer in the Books of the said Company or of the said Savings Bank such Stocks, Annuities, or Funds, standing as aforesaid, into the Name of the Trustee who shall be newly appointed, and to pay to him from Time to Time the Dividends thereof; and if One of Two or more such Trustees shall die or be removed from his Office of Trustee, or become bankrupt or insolvent, it shall be lawful for the Registrar, on the like Application, to direct that the other or others of the Trustees shall transfer such Stock, Annuities, or Funds into the Name of such Person as may have been appointed in his Stead, jointly with the continuing Trustee or Trustees.

Power of Attorney, &c. not liable to Stamp Duty.

XXXVII. No Copy of Rules, nor Power, Warrant, or Letter of Attorney granted by any Person as Trustee of any Society established under this Act or any of the Acts hereby repealed, for the Transfer of any Share in the Public Funds standing in the Name of such Trustee, nor any Order or Receipt for Money contributed to or received from the Funds of any such Society, by any Person liable or entitled to pay or receive the same by virtue of the Rules thereof or of this Act, nor any Bond to be given to or on account of any such Society, or by the Treasurer or any Officer thereof, nor any Draft or Order, nor any Form of Policy, nor any Appointment of any Agent, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Document whatever required or authorized by or in pursuance of this Act or the Rules of any Society, shall be liable to Stamp Duty: Provided, that no Exemption from any of the Duties granted by any Act or Acts relating to Stamp Duties shall be deemed to extend

Limitation of Exemptions to Societies

extend to any Society which shall assure the Payment of Money exceeding Two hundred Pounds, or which shall assure the Payment of any Money on the Death of a Member to any Person, except Executors, Administrators, or Assigns of such Member, or the Husband, Wife, Father, Mother, Child, Brother, Sister, Nephew, or Niece of such Member.

not assuring above 200*l.*

XXXVIII. If any Person shall become a Member of more than One Society, whereby certain Benefits shall accrue on account of the same Kind of Assurance from more than One Society, it shall not be lawful for him, or for any Person entitled through or under him or by reason of his Membership, or for any Number of such Persons in the aggregate, to receive more than Two hundred Pounds, or, in the Case of Annuities, Thirty Pounds a Year, from such Societies collectively; and in any Case where a Person shall so as aforesaid be a Member of more than One Society, and he, or any other Person or Persons, shall be entitled to any Benefit in gross or by way of Annuity from any such Society, he, or (as the Circumstances may require) every such other Person, shall, before he shall receive any such Benefit from any of such Societies, make and sign a Declaration that the total Value of all Benefits accruing or which shall have accrued in respect of any One Kind of Assurance does not exceed the Value of Two hundred Pounds, or, in the Case of Annuities, Thirty Pounds a Year; and it shall be lawful for any Society to require any Member or any other Person who shall be entitled to any such Benefit, before he shall receive the same, to make and sign a Declaration to the same Effect, or that such Member was not, when the Benefit accrued, a Member of any other Association; and if any Person shall knowingly make any false or fraudulent Declaration in any such Case he shall be guilty of Misdemeanor.

No Member to receive more than 200*l.* or 30*l.* a Year from any Number of Societies.

XXXIX. The Trustees of any Friendly Society may, out of the Funds thereof, subscribe to any Hospital, Infirmary, Charitable or other Provident Institution, such annual or other Sum as may be agreed upon by the Committee of Management, or by a Majority of the Members at a Meeting called for that Purpose, in consideration of any Member of such Society, his Wife, Child, or other Person nominated, being eligible to receive the Benefits of such Hospital or other Institution, according to the Rules thereof.

Trustees may subscribe to a Hospital or Provident Institution.

XL. Every Dispute between any Member or Members of any Society established under this Act or any of the Acts hereby repealed, or any Person claiming through or under a Member, or under the Rules of such Society, and the Trustee, Treasurer, or other Officer, or the Committee thereof, shall be decided in manner directed by the Rules of such Society,

As to the Determination of Disputes according to the Rules.

and the Decision so made shall be binding and conclusive on all Parties, without Appeal: Provided that where the Rules of any Society established under any of the Acts hereby repealed shall have directed Disputes to be referred to Justices, such Disputes shall, from and after the First Day of *August* One thousand eight hundred and fifty-five, be referred to and decided by the County Court as herein-after mentioned.

In what Cases by the County Court.

XLI. In all Friendly Societies established under this Act or any of the said repealed Acts, all Applications for the Removal of any Trustee, or for any other Relief, Order, or Direction, or for the Settlement of Disputes that may arise or may have arisen in any Society the Rules of which do not prescribe any other Mode of settling such Disputes, or to enforce the Decision of any Arbitrators, or to hear or determine any Dispute, if no Arbitrator shall have been appointed or if no Decision shall be made by the said Arbitrators within Forty Days after Application has been made by the Member or Person claiming through or under a Member or under the Rules of the Society, shall be made to the County Court of the District within which the usual or principal Place of Business of the Society shall be situate; and such Court shall, upon the Application of any Person interested in the Matter, entertain such Application, and give such Relief, and make such Orders and Directions in relation to the Matter of such Application as herein-after mentioned, or as may now be given or made by the Court of Chancery in respect either of its ordinary or its special or statutory Jurisdiction; and the Decision of such County Court upon and in relation to such Application as aforesaid shall not be subject to any Appeal: Provided always, that in *Scotland* the Sheriff within his County, and in *Ireland* the Assistant Barrister within his District, shall have the same Jurisdiction as is hereby given to the Judge of a County Court.

Order of County Court, how enforced.

XLII. In all Cases where the Order of such County Court shall be for the Payment of Money, the same may be enforced in the same Manner as the ordinary Judgments of such Court are enforced; but where the Order of the said Court shall be for the doing of some Act, not being for the Payment of Money, it shall be lawful for the Judge of such County Court in his said Order to order the Party to do such Act, or that in default of his doing it he shall pay a certain Sum of Money; and in case he refuse or neglect to do the Act required, upon Demand in that Behalf, the Sum of Money or Penalty in the said Order may then be recovered in the same Manner as a Judgment for Debt or Damages in such Court; and it shall not be lawful to remove the same by Certiorari or other Writ or Process to any Superior Court of Record.

XLIII. Provided, however, That the Lord Chancellor may make such Orders for regulating the Proceedings by and before the Judges of County Courts under this Act as he may think fit; and in *Scotland* the Court of Session shall have the like Power by Act of Sederunt as regards Proceedings before Sheriffs under this Act; and, subject to such Orders and Acts of Sederunt respectively, such Judges and Sheriffs may regulate the Proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

Lord Chancellor may make Orders for regulating the Proceedings in this respect.

XLIV. In the Case of any Friendly Society established for any of the Purposes mentioned in Section IX. of this Act, or for any Purpose which is not illegal, having written or printed Rules, whose Rules have not been certified by the Registrar, provided a Copy of such Rules shall have been deposited with the Registrar, every Dispute between any Member or Members of such Society, and the Trustees, Treasurer, or other Officer, or the Committee of such Society, shall be decided in manner herein-before provided with respect to Disputes, and the Decision thereof, in the Case of Societies to be established under this Act, and the Sections in this Act provided for such Decision, and also the Section in this Act which enacts a Punishment in case of Fraud or Imposition by an Officer, Member, or Person, shall be applicable to such uncertified Societies: Provided always, that nothing herein contained shall be construed to confer on any such Society whose Rules shall not have been certified by the Registrar, or any of the Members or Officers of such Society, any of the Powers, Exemptions, or Facilities of this Act, save and except as in and by this Section is expressly provided.

In the Case of Societies whose Rules are not certified, Disputes between the Society and its own Members to be settled as in Cases of certified Societies.

XLV. The Trustees of Friendly Societies established under this Act or under any of the repealed Acts, or the Officer thereof appointed to prepare Returns, shall, once in every Year, in the Months of *January*, *February*, or *March*, transmit to the Registrar a General Statement of the Funds and Effects of such Society during the past Twelve Months, or a Copy of the last annual Report of such Society, and shall also, within Three Months after the Expiration of the Month of *December* One thousand eight hundred and fifty-five, and so again within Three Months after the Expiration of every Five Years succeeding, transmit to the said Registrar a Return of the Rate or Amount of Sickness and Mortality experienced by such Society within the preceding Five Years, in such Form as shall be prepared by the said Registrar, and an Abstract of the same shall be laid before Parliament; and the Registrar shall also lay before Parliament every Year a Report of his Proceedings, in his Office of Registrar, and of the principal Matters

Returns to the Registrar, when and how to be made.

Matters transacted by Friendly Societies which have come under his Cognizance during the past Year.

Certain Societies established for granting annual Payments to Nominees before the Year 1850 to have Privileges of this Act.

XLVI. And whereas under the Provisions of the Acts hereby repealed, or some of them, certain Associations or Societies have been formed in *England* and *Ireland* for the provident and charitable Purpose of securing annual Payments to the Nominees of the Members thereof, contingent upon the Death of such Members, and have invested their Funds in the Manner provided by such Acts, and Doubts may arise whether such Associations or Societies will be entitled to the Exemptions and Privileges by this Act conferred in the event of such annual Payments amounting in the aggregate to more than Thirty Pounds; and it is expedient to remove such Doubts, and to give Protection to such Associations or Societies, and to the Funds thereof: Be it therefore enacted, that notwithstanding anything in this Act contained to the contrary, all such Associations or Societies as were founded and subsisting under the Provisions of the said Acts previously to the Fifteenth Day of *August* One thousand eight hundred and fifty, shall enjoy the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act as fully as if they had been registered and certified under this Act, and notwithstanding that the contingent annual Payments to which the Nominees of the present or future Members of such Associations or Societies may become entitled shall exceed in the aggregate the sum of Thirty Pounds.

Extra Contribution may be demanded of a Member serving in the Militia.

XLVII. In any Case where the Rules of any Society already enrolled or certified have provided that a Member shall be deprived of any Benefit by reason of his Enrolment or Service in the Militia, it shall be lawful for the Trustees of such Society to require of any Member a Contribution exceeding the Rate of Contribution hitherto payable by such Member, to an Amount not exceeding One Tenth of such Rate, during the Time such Member shall be serving out of the United Kingdom, or to suspend all Claim of such Member to any Benefits of such Society, and all Claim of the Society to any Contributions payable by such Member, during the Time he may be serving in the Militia out of the United Kingdom, provided that such Suspension shall cease so soon as the said Member shall return to the United Kingdom, and he shall thereupon be replaced on the same Footing as before he went abroad with the Regiment to which he belongs.

Act to apply to Societies constituted under

XLVIII. All the Provisions of this Act shall apply to all Societies constituted under the Industrial and Provident Societies Act, 1852, in the same Manner as the Laws in force relating to Friendly Societies at the Date of the passing of the said Industrial and Provident Societies Act, 1852, are by the said last-mentioned Act directed to apply to Societies constituted thereunder; and the Limitation herein-before contained of the Amount of Annuities and Sums payable on the Death of any Person, or on any other Contingency, in the Case of Societies established under this Act, shall apply to all Societies constituted under the said Industrial and Provident Societies Act, 1852.

the Industrial and Provident Societies Act, 1852.

XLIX. The Word "Society" shall extend to and include every Branch of a Society, by whatever Name it may be designated.

Interpretation of "Society."

L. This Act shall extend to *Great Britain* and *Ireland*, and the Channel Isles, and the *Isle of Man*.

Extension of Act.

LI. This Act shall commence and take effect from the First Day of *August* One thousand eight hundred and fifty-five.

Commencement of Act.

SCHE-

SCHEDULES referred to by the foregoing Act.

FIRST SCHEDULE.

Reference to Act.	Title of Act.	Extent of Repeal.
33 G. 3. c. 54.	An Act for the Encouragement and Relief of Friendly Societies.	The whole Act.
35 G. 3. c. 111	An Act for more effectually carrying into execution an Act made in the Thirty-third Year of the Reign of His present Majesty, intituled "An Act for the Encouragement "and Relief of Friendly Societies," and for extending so much of the Powers thereof as relates to the framing Rules and Regulations for the better Management of the Funds of such Societies, and the Appointment of Treasurers to other Institutions of a charitable Nature.	The whole Act.
36 G. 3. c 68. (Irish)	An Act for the Encouragement and Relief of Friendly Societies.	The whole Act.
43 G. 3. c. 111.	An Act for enabling Friendly Societies intended to be established under an Act passed in the Thirty-third Year of the Reign of His present Majesty to rectify Mistakes made in the Registry of their Rules.	The whole Act.
49 G. 3. c. 58.	An Act to explain and render more effectual an Act passed in the Parliament of Ireland, in the Thirty-sixth Year of His present Majesty's Reign, for the Encouragement and Relief of Friendly Societies.	The whole Act.
49 G. 3. c. 125.	An Act to amend an Act made in the Thirty-third Year of His present Majesty for the Encouragement and Relief of Friendly Societies.	The whole Act.
59 G. 3. c. 128.	An Act for further Protection and Encouragement of Friendly Societies, and for preventing Frauds and Abuses therein.	The whole Act.
6 G. 4. c. 74.	An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or	So much of Section 11. as relates to Friendly Societies.

Reference to Act.	Title of Act.	Extent of Repeal.
	who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind.	
10 G. 4. c. 56.	An Act to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
2 W. 4. c. 37.	An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, by extending the Time within which pre-existing Societies must conform to the Provisions of that Act.	The whole Act.
4 & 5 W. 4. c. 40.	An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
3 & 4 Vict. c. 73.	An Act to explain and amend the Acts relating to Friendly Societies.	The whole Act.
9 & 10 Vict. c. 27.	An Act to amend the Laws relating to Friendly Societies.	The whole Act.
13 & 14 Vict. c. 115.	An Act to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
15 & 16 Vict. c. 65.	An Act to continue and amend an Act passed in the Fourteenth Year of the Reign of Her present Majesty, to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
16 & 17 Vict. c. 123.	An Act to amend the Laws relating to the Investments of Friendly Societies.	The whole Act.
17 & 18 Vict. c. 50.	An Act to continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland, and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.	Section 2.
17 & 18 Vict. c. 101.	An Act to continue and amend the Acts now in force relating to Friendly Societies.	The whole Act.

SECOND SCHEDULE.

Form of Registrar's Certificate to Rules of Friendly Societies.

I hereby certify, That the foregoing Rules [*or* the Alterations or Amendments of the Rules] of the Society at in the County of are in conformity with Law, [*and in the Case of a new Society*] and that the Society is duly established from the present Date, and is subject to the Provisions and entitled to the Privileges of the Acts relating to Friendly Societies.

The Rates of Contributions and Payments are stated to have been prepared by *A.B.*, Actuary of *or* [*as the Case may be*] are not stated to have been prepared by any Actuary.

THIRD SCHEDULE.

Form of Bond.

Know all Men by these presents, That we, *A.B.*, of Treasurer, *&c.* [*as the Case may be*] of the Society, established at in the County of and *C.D.* of (as Surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of *C.D.* of and *E.F.* of the Trustees of the said Society, in the Sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.*, as such Trustees, or their Successors, Trustees for the Time being, or their certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals. Dated the Day of in the Year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed Treasurer, *&c.* [*as the Case may be*] of the Society, established as aforesaid, and he, together with the above-bounden *C.D.* as his Surety, have entered into the above-written Bond, subject to the Condition herein-after contained: Now therefore the Condition of the above-written Bond is such, that if the said *A.B.* shall and do justly and faithfully execute his Office of Treasurer, *&c.* [*as the Case may be*] of the said Society established as aforesaid, and shall and do render a just and true Account of all Monies received and paid by him, and shall and do pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society in his Hands or Custody, to such Person or Persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal Receipts or Vouchers for such Payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his Office of Treasurer, *&c.* [*as the Case may be*] to the said Society, according to the Rules thereof, then the above-written Bond shall be void and of no Effect; otherwise shall be and remain in full force and virtue.

CAP. LXIV.

An Act to settle Annuities on Emily Harriet *Lady* Raglan *and* Richard Henry Fitzroy *Lord* Raglan, *and the next surviving Heir Male of his Body, in consideration of the eminent Services of the late Field Marshal Lord* Raglan.—[23*d* July 1855.]

CAP. LXV.

An Act to amend the Dublin *Carriage Acts.*—[23*d* July 1855.]

CAP. LXVI.

An Act to render valid certain Marriages in Christ Church *in the Chapelry of* Todmorden *and Parish* *of* Rochdale, *in the Counties of* Lancaster *and* York.—[23*d* July 1855.]

CAP. LXVII.

An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.—[23*d* July 1855.] (England.)

CAP. LXVIII.

An Act to amend the Laws concerning the Burial of the Dead in Scotland.—[23*d* July 1855.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as the "Burial Grounds (*Scotland*) "Act, 1855."

Parochial Board to carry into Execution this Act.

II. In the Execution of this Act in Parishes not within the Limits prescribed or established under the Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland, of any Burgh sending or contributing to send a Member to Parliament, "Parochial Board" shall be held to signify the Parochial Board for the Management of the Poor, where such Parishes are not combined for such Management, and where such Parishes are so combined the Parochial Board under this Act shall signify and be composed of such Members of the combined Board as are assessed for Relief of the Poor either in respect of Occupancy or Ownership within each Parish respectively; and the Manner of holding and of transacting Business at Meetings of such Parochial Boards under this Act shall be similar to the Manner in use in respect of the Management of the Poor; and in Parishes within the aforesaid Limits of any Burgh aforesaid the Town Council of the Burgh shall be held to be the Parochial Board of such Parish under this Act: Provided always, that where, within the aforesaid Limits of any Burgh aforesaid, there is included a Burgh of Regality, the Magistrates of such Burgh of Regality shall, notwithstanding anything herein-before enacted, be held to be the Parochial Board of any Parish within, or forming Part of such Burgh of Regality.

Provision as to Parishes partly burghal.

III. Where any Parish is partly within and partly without the Limits of such Burgh aforesaid, it shall be lawful for the Sheriff of the County within which such Parish or the greater Part thereof is situated, on Application to him by any Two Members of the Parochial Board of such Parish, or by any Ten Persons assessed for Relief of the Poor within such Parish, or by any two or more Householders residing within One hundred Yards of any Burial Ground or proposed Burial Ground within such Parish, and on giving Notice by Advertisement in the *Edinburgh Gazette* and such Newspapers of local Circulation as he may deem fitting, and hearing any Parties having Interest, to determine whether such Parish shall be held to be a Parish within or without the Limits of the said Burgh for the Purposes of this Act, and an Interlocutor so determining shall receive Effect and be as valid as if the same was set forth in this Act; and it shall not be competent to make any new Application to the Sheriff for his Determination in respect to such Parish till after the Lapse of Five Years from the Date of his last Determination respecting the same.

Proceedings on Complaints of Danger to Health.

IV. It shall be lawful for any Two Members of the Parochial Board of any Parish in *Scotland*, or for any Ten Persons assessed for Relief of the Poor within such Parish, or for any Two Householders residing within One hundred Yards of any Burial Ground or proposed Burial Ground, to present a Petition to the Sheriff of the County within which such Burial Ground or proposed Burial Ground is situated, setting forth that a Burial Ground within such Parish or such Distance is or would be dangerous to Health, or offensive or contrary to Decency, and the Sheriff shall thereupon fix a Day, being not less than Ten nor more than Twenty Days after such Petition is presented, for inquiring into the Allegations contained therein, and shall appoint Intimation thereof to be made by Advertisement in the *Edinburgh Gazette* and in such Newspapers of local Circulation as he shall deem fitting, and on hearing the Petition shall permit all Parties whom he shall judge to have an Interest to appear and be heard in such Manner as he shall deem fitting, and if on such Hearing he shall be of opinion that any of the aforesaid Allegations are true, he shall pronounce an Interlocutor to such Effect, and shall transmit a Copy thereof to One of Her Majesty's Principal Secretaries of State: Provided that it shall not be competent to present any such Petition to the Sheriff, except with Concurrence of the Procurator Fiscal, till after the Lapse of Five Years from the Date of any Petition to the like effect having been dismissed.

On Representation of Secretary of State, Her Majesty in Council may restrain the opening of new Burial Grounds and order Discontinuance of Burials in specified Places.

V. It shall be lawful for Her Majesty, from Time to Time, by Order in Council, upon the Representation of One of Her Principal Secretaries of State that a Copy of such Interlocutor of a Sheriff has been received by him, in pursuance thereof to order that no new Burial Ground shall be opened within certain Limits specified in such Order, save with the previous Approval of One of such Secretaries of State, or (as the Case may require) that after a Time mentioned in the Order Burials within certain Limits, or in certain Burial Grounds or Places of Burial, shall be discontinued wholly, or subject to any Exceptions or Qualifications mentioned in such Order, and such Order in Council shall thereupon have like Force and Effect as if the same were embodied in this Act: Provided always, that Notice of such Representation, and of the Time it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be transmitted to the Crown Agent in *Edinburgh* and the Sheriff Clerk of the County in which such Burial Ground is situated; and the same shall be by them respectively published in the *Edinburgh Gazette*, and fixed on the Doors of the Church of or on some other conspicuous Places within the Parishes affected by such Representation, One Month before such Representation is so considered.

Penalties.

VI. Every Person who shall after the Time mentioned in such Order in Council bury any Body, or in anywise act or assist in or permit the Burial of any Body, in any way contrary to such Order, shall be liable for each such Offence to be imprisoned for any Period not exceeding Two Calendar Months, or to pay a Penalty not exceeding Twenty Pounds.

Order not to extend to Burial Grounds of Quakers or Jews, unless expressly included.

VII. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, or of the Persons of the Jewish Persuasion, used solely for the Burial of the Bodies of such People and Persons respectively, unless the same be expressly mentioned in such Order, or shall be deemed to extend to any Non-parochial Burial Ground, being the Property of any private Person, unless the same be expressly mentioned in such Order.

VIII. Provided always, That, notwithstanding any such

Saving of certain Rights to bury in Vaults, &c.

Order in Council, where at the Time of the passing of this Act any Person shall be entitled to any Right of Interment in or under any Church or Chapel or within any Churchyard or Burial Ground affected by such Order, it shall be lawful for One of Her Majesty's Principal Secretaries of State, from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such Right will not be injurious to Health, to grant Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as such Secretary of State may think fit, but such Licence shall be revocable at any Time, and shall not give to the Holder of such Right, or to any other Party, any other Power than he would have had if this Act had not been passed.

Upon Requisition of Ratepayers or Members of Parochial Board, Meeting of Parochial Board to be convened, to determine whether Burial Ground shall be provided.

IX. Although no Burial Ground in the Parish has been closed by Order in Council, the Inspector of the Poor of any Parish not within Burgh, and the Town Clerk in the case of any Parish within Burgh, shall be bound, upon the Requisition in Writing of Ten or more Persons assessed for Relief of the Poor of the Parish, or upon the Requisition in Writing of any Two or more Members of the Parochial Board of the Parish, to convene a Special Meeting of the Parochial Board of such Parish, for the Purpose of determining whether a Burial Ground shall be provided under this Act for the Parish; and if a Majority of such Meeting of the Parochial Board shall resolve that a Burial Ground shall be provided under this Act for the Parish, such new Burial Ground shall be provided in the same Manner as if an old Burial Ground had been closed by Order in Council.

When Burial Grounds are closed by Order in Council, Board to provide suitable Burial Grounds, &c.

X. Whenever any Burial Ground shall have been closed by Order in Council, the Parochial Board shall forthwith proceed to provide a suitable and convenient Burial Ground for the Parish, and to make Arrangements for facilitating Interments therein; and in the event of a suitable Burial Ground not being provided by the Parochial Board within Six Months after such Order or Requisition as aforesaid, it shall be lawful for such Board, or for any Ten or more Persons assessed for Relief of the Poor in the Parish, or any Two or more Members of the Parochial Board, to apply by summary Petition to the Sheriff to have a suitable Portion of Land designated for the Purpose of a Burial Ground; and the Sheriff shall examine such Witnesses and make such Inquiry as he shall think proper, and shall keep a Note of such Evidence as may be adduced, and, if he thinks fit, shall thereupon proceed to designate and set apart such Portion as he may deem necessary of any Lands in such Parish suitable for the Purpose, not being Part of any

Policy, Pleasure Ground, or Garden attached to any Dwelling House: Provided always, that due Intimation shall have been given of not less than Ten Days to the Owner of such Lands, that he may be heard for his Interest before such Designation is actually made, subject always to an Appeal to any of the Lords Ordinary of the Court of Session, whose Decision shall be final, such Appeal always being presented within Fourteen Days of the Date of the Sheriff's Judgment: and provided also, that no Land shall be so designated nearer than One hundred Yards to any Dwelling House without the Consent in Writing of the Owner of such Dwelling House; and on such Land being so designated the Parochial Board shall proceed to acquire the same in manner herein-after provided.

Consent of Owners of Houses to new Burial Grounds, where necessary.

XI. Any Burial Ground may be provided under this Act either within or without the Limits of the Parish for which the same is provided; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than One hundred Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies.

XII. For the providing such Burial Ground, it shall be lawful for the Parochial Board of the Parish to contract for and purchase or take any Lands and Buildings thereon for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries, or Part or Parts thereof, subject to the Rights in Vaults and Graves and other subsisting Rights which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Parochial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish.

Certain Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

XIII. "The Lands Clauses Consolidation (*Scotland*) Act, "1845," except the Provisions of that Act "with respect to "the Provisions to be made for affording Access to the "Special Act by all Parties interested," shall be incorporated with this Act; and, for the Purposes of this Act, the Expression "the Promoters of the Undertaking," wherever used in the said "Lands Clauses Consolidation (*Scotland*) Act, 1845," "1845," shall mean any Parochial Board under this Act: Provided always, that the Provisions in the said Act "with "respect to the Purchase and taking of Lands otherwise than "by Agreement" shall have effect only in respect of such Lands as the Sheriff of the County shall have designated as fitting for a Burial Ground in manner aforesaid: Provided further, that the Provisions in the said Act "with respect to "Lands acquired by the Promoters of the Undertaking under "the Provisions of this or the Special Act, or any Act incorporated therewith, but which shall not be required for the "Purposes thereof," shall be held to apply only to such Lands or Portions thereof in which no Burial shall have taken place, and such Provisions shall not be restricted in operation to any fixed Period after the Purchase of such Lands.

Parochial Boards may concur in providing a Burial Ground for the common Use of their Parishes.

XIV. The Parochial Boards of any Parishes which shall have respectively resolved to provide Burial Grounds under this Act may concur in providing One Burial Ground for the common Use of such Parishes, in such Manner, not inconsistent with the Provisions of this Act, as they shall mutually agree on, and may agree as to the Proportions in which the Expenses of such Burial Ground shall be borne by such Parishes; and the Proportion of each of such Parishes of such Expenses shall be raised by Assessments in manner after mentioned; and, according and subject to the Terms which shall have been so agreed on, the Parochial Boards for such Parishes respectively shall, for the Purpose of providing and managing such one Burial Ground, and taking and holding Land for the same, act as One joint Board for all such Parishes, and may have a joint Office, Clerk, and Offices, and all the Provisions of this Act shall apply to such joint Board accordingly.

Burial Ground to be the Burial Ground of the Parish or Parishes for which it is provided.

XV. When any Burial Ground shall have been provided in Terms of this Act, such Burial Ground shall, from and after such Time as the Sheriff of the County shall appoint, be deemed the Burial Ground, or Part thereof, of the Parish for which the same is provided; and where the same is provided for Two or more Parishes such Burial Ground shall be in Law as if such Parishes were One Parish, and as if such Burial Ground were the Burial Ground of such One Parish; and the Parishioners and Inhabitants of such Parish, or of each of such Parishes, shall have the same Rights of Sepulture in such Burial Ground as they respectively would have had in the Burial Ground, or Burial Grounds in and for their respective Parish, subject to the Provisions herein contained.

Liabilities of old Burial Grounds

XVI. Where any Burial Ground shall be closed in Terms of this Act, and a new Burial Ground provided in place thereof, the whole Burdens upon, and Liabilities attaching to, the Burial transferred to new Burial Grounds.

Burial Ground so closed, shall be transferred to, and become Burdens upon, the Burial Ground provided in room thereof; and the Revenues of the New Burial Ground shall be liable for the same, in like Manner as the Revenues of the Burial Ground so closed were liable.

Management to be vested in Parochial Boards.

XVII. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Parochial Boards providing the same.

Boards may sell exclusive Rights of Burial, and Right to erect Monuments, &c.

XVIII. Any Parochial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in Perpetuity or for a limited Period, in such Parts of any Burial Ground provided by such Board as may with the Sanction of the Sheriff be appropriated to that Purpose, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground; provided always, that such exclusive Rights shall not extend in all to a Space greater than One Half of such Burial Ground.

Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds.

XIX. Any Parochial Board may make such Arrangements as they may from Time to Time think fit for facilitating the Conveyance of the Bodies of the Dead from the Parish or the Place of Death to the Burial Ground which shall be provided under this Act, or to any other Place of Burial, subject to the Provisions of this Act and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations as aforesaid.

Places may be provided for Reception of Bodies until Interment.

XX. It shall be lawful for any Parochial Board, subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take on Lease, or otherwise to provide fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein, and for providing such Places such Boards may exercise the Powers vested in them under this Act for providing Burial Grounds.

Secretary of State may make Regulations as to Burial Grounds, &c.

XXI. It shall be lawful for One of Her Majesty's Principal Secretaries of State, from Time to Time, to make such Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act, as to him may seem proper for the Protection of the Public Health and the maintenance of Public Decency; and the Parochial Boards and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies shall conform to and obey such Regulations.

Exemption of Burials from Toll.

XXII. No Funeral Procession, or Carriage in such Procession, and no Foot Passenger, shall, while going to or returning from the Place of Interment on the Occasion of any Interment, be liable in any Toll or Pontage.

Board may lay out and embellish Burial Ground.

XXIII. It shall be lawful for any Parochial Board to enclose, lay out, and embellish any Burial Ground provided by such Board in such Manner as may be fitting and proper.

Board to fix Payments for Interments in Burial Ground.

XXIV. Every Parochial Board under this Act shall, subject to the Approval of the Sheriff of the County, fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and from Time to Time revise and alter such Fees and Payments, and a Table showing such Fees and Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

XXV. The Provisions of "The Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with this Act, and be applicable to any Burial Ground provided under this Act, and "the Company" in these Clauses shall signify the Parochial Board under this Act.

Expenses to be paid by Assessments.

XXVI. The Expenses incurred by the Parochial Board of any Parish in carrying this Act into execution, in so far as the Sums received for exclusive Right of Burial or as Fees or other Payments in respect of Interments shall be insufficient, shall be raised by Assessment, to be levied in the same Way as that which may be in force for the Time being for the Relief of the Poor within the Parish; and the Parochial Board shall have like Powers for the levying of such Assessments as Parochial Boards have for the levying of Assessments for the Relief of the Poor.

Power to borrow Money.

XXVII. Provided always, That it shall be lawful for the Parochial Board to borrow any Money required for providing and laying out any Burial Ground under this Act, and to charge the future Assessments under this Act with the Payment of such Money and Interest thereon: Provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged.

The Public Works Loan Commissioners may ad-

XXVIII. The Commissioners for carrying into execution an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Year of Her Majesty, Chapter Twenty-three, "to authorize for a further Period the Advance of Money out vance Money for the Purposes of this Act.

"of the Consolidated Fund to a limited Amount for carrying "on Public Works and Fisheries and Employment of the "Poor," and any Act or Acts amending or continuing the same, may from Time to Time make to the Parochial Board of any Parish, for the Purposes of this Act, any Loan, under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Assessments for the Relief of the Poor of the Parish.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts, which shall be open to Inspection.

XXIX. Minutes of all Proceedings of the Parochial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept; and the Parochial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred; and all such Books shall at all reasonable Times be open to the Examination of every Member of the Parochial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books or any Part thereof, without paying for the same.

Board may appoint and remove Officers, &c.

XXX. The Parochial Board may appoint and may remove, at pleasure, a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of and for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting their Business.

Register of Burials to be kept in every Ground provided under this Act.

Registers to be Evidence.

XXXI. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Parochial Board providing such Ground, and kept for that Purpose; and such Register Books shall be so kept by some Officer appointed by the said Board to that Duty; and in such Register Books shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Books) are buried; and in case such Burial Ground has been provided for more than One Parish, such Register shall be kept or indexed so as to facilitate Searches for Entries in such Books in respect of Bodies from the several Parishes; and such Register Books, or Copies or Extracts purporting to be thereof, shall be received in all Courts as Evidence of the Burials entered therein.

Sheriffs' Decisions to be final.

XXXII. No Interlocutor or Deliverance of a Sheriff under this Act, excepting as herein provided, shall be in any way subject to Review, or to be set aside by reason of any Defect of Form therein or in the Procedure on which it followed.

CAP. LXIX.

An Act to discontinue the taking of Toll on the Turnpike Roads leading from the City of Dublin *and on the Turnpike Road from* Kinnegad *to* Athlone, *and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and other Purposes.*—[16*th* July 1855.]

CAP. LXX.

An Act for further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes.—[30*th* July 1855.] (England.)

CAP. LXXI.

An Act to authorize the Commissioners of the Treasury to make Arrangements concerning certain Loans advanced by way of Relief to the Islands of Antigua, Nevis, *and* Montserrat.—[30*th* July 1855.]

CAP. LXXII.

An Act for legalizing and preserving the restored Standards of Weights and Measures.—[30*th* July 1855.]

CAP. LXXIII.

An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland.—[30*th* July 1855.]

CAP. LXXIV.

An Act to enable Grand Juries of Counties in Ireland *to present for Payment of Expenses in certain Cases.* —[30*th* July 1855.]

CAP. LXXV.

An Act to continue certain Temporary Provisions concerning Ecclesiastical Jurisdiction in England.—[30*th* July 1855.]

CAP. LXXVI.

An Act to continue an Act of the fifth and sixth Years of Her Present Majesty for amending the Law relating to Private Lunatic Asylums in Ireland. —[30*th* July 1855.]

CAP. LXXVII.

An Act to give Effect to a Convention between Her Majesty and the United States of America.—[30*th* July 1855.]

CAP. LXXVIII.

An Act to reduce certain Duties payable on Stage Carriages, and to amend the Laws relating to Stamp Duties, and to Bonds and Securities to the Inland Revenue.—[30*th* July 1855.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Seventy-nine, certain Duties contained in a Schedule to the said Act were granted and made payable, and amongst others the following Duties on Stage Carriages in *Great Britain*, (that is to say,) for and in respect of every Mile which any Stage Carriage shall be licensed to travel the Duty of One Penny Halfpenny, and for and in respect of every such supplementary Licence for a Stage Carriage as described in the said Schedule the Duty of Five Shillings; and it is expedient to reduce the said Duties as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 79.

I. From and after the First Day of *July* One thousand eight hundred and fifty-five there shall be charged and payable to Her Majesty, Her Heirs and Successors, the following reduced Duties on Stage Carriages in *Great Britain;* (that is to say), for and in respect of every Mile which any Stage Carriage shall be licensed to travel One Penny, and for and in respect of every such Supplementary Licence as aforesaid the Duty of One Shilling, in lieu of the Duties granted in the like Cases by the said recited Act: Provided always, that nothing herein contained shall extend to reduce or affect any Duty which shall accrue or be incurred on or before the said First Day of *July*.

Duties on Stage Carriages and Supplementary Licences reduced.

II. The said Duties by this Act granted and made payable shall be raised, levied, collected, and paid in like Manner, and by and under the like Powers and Authorities, Rules and Regulations as the said Duties granted by the said recited Act are now raised, levied, collected, and paid under or by virtue of any Act or Acts in force.

Reduced Duties to be raised, &c. under existing Powers.

III. From and after the passing of this Act Section Twelve of the Act passed in the Second and Third Years of the Reign of

Section 12 of 2 & 3

W. 4 c. 120 repealed.

of His late Majesty King *William* the Fourth, Chapter One hundred and twenty, whereby the Commissioners are authorized to compound with any Person for the Duties which may become payable in respect of any Stage Carriage, shall be and the same is hereby repealed.

Paper for Covers or Envelopes of Letters provided by any Person may be stamped with Postage Stamps.

IV. And whereas by certain Acts passed in that Behalf the Commissioners of Inland Revenue are directed to provide Stamps for denoting the several Rates of Postage of Letters on Paper provided by the said Commissioners for the Covers or Envelopes of Letters, and it is expedient to provide for the stamping with such Stamps Paper which any Person may send to the said Commissioners for that Purpose: Be it enacted, That it shall be lawful for the Commissioners of Inland Revenue and they are hereby empowered, under such Regulations as the Commissioners of Her Majesty's Treasury may from Time to Time make or sanction in that Behalf, to stamp Paper which any Person may send to the said first-named Commissioners for the Purpose of being stamped for Covers or Envelopes of Letters with Stamps provided for denoting the several Rates of Postage on Payment of the Amount of the Stamps required to be impressed on such Paper, and in Cases where such Amount shall not exceed Ten Pounds upon Payment in addition thereto of such Fee as the said Commissioners of Her Majesty's Treasury may direct or authorize to be taken in such Cases.

Prize Money Orders to be chargeable with the same Duties as Inland Bills.

V. And whereas under and by virtue of Two several Acts passed respectively, the one in the Second and Third Years of the Reign of His said late Majesty King *William* the Fourth, Chapter Fifty-three, and the other in the Third and Fourth Years of the said King's Reign, Chapter Twenty-nine, a Stamp Duty of One Shilling is payable upon Orders made for the Payment of Prize Money, or Bounty Money, or Money upon Grants due to Non-commissioned Officers and Soldiers, and it is expedient in lieu thereof to subject such Orders to the Stamp Duties chargeable on Inland Bills, Drafts, or Orders: Be it enacted, That the Stamp Duty of One Shilling payable under the said Two last-mentioned Acts on Orders made for the Payment of Prize Money, or Bounty Money, or Money upon Grants due to Non-commissioned Officers and Soldiers, shall cease, and in lieu thereof all such Orders shall be subject and liable to the like Stamp Duties as Inland Bills, Drafts, or Orders for the Payment of Money of the same Amount and of the like Tenor or Effect are now by Law subject and liable to.

Sections 195, 196,

VI. And as to Bonds and other Securities relating to the Inland Revenue, all the Powers, Provisions, and Regulations concerning Bonds and other Securities relating to the Customs contained in Sections CXCV., CXCVI., and CXCVII. of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter One hundred and seven, shall, *mutatis mutandis*, be deemed to extend and shall be applied to all Bonds and other Securities entered into or given, or to be entered into or given, by any Person or Persons under the Provisions of any Act relating to the Duties of Excise, or to any other of the Duties or Matters under the Control or Management of the Commissioners of Inland Revenue, or otherwise in relation or incident thereto: Provided always, that in any Case in which, under the Provisions of the said Sections, any Certificate is required to be signed, or any other Matter is authorized to be done, by Commissioners of Customs, or any Number of them, any such Certificate or Matter in relation to any Bond or Security concerning or incident to the Inland Revenue shall respectively be signed and done by the Commissioners of Inland Revenve, or the like Number of them.

and 197 of 16 & 17 Vict. c. 107. to apply to Bonds and Securities relating to the Inland Revenue.

CAP. LXXIX.

An Act to amend the Law regarding the Burial of poor Persons by Guardians and Overseers of the Poor.—[30*th* July 1855.]

CAP. LXXX.

An Act to ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings; and to vest in the said Commissioners certain Property situate near the College of Edinburgh *in the City of* Edinburgh, *together with the General Register House in the said City, and all Lands held therewith; and to enable the said Commissioners to acquire certain Property near the Palace of Holyrood.*—[30*th* July 1855.]

CAP. LXXXI.

CAP. LXXXI.

An Act to Amend the Law concerning the certifying and registering of Places of Religious Worship in England.—[30*th* July 1855.]

CAP. LXXXII.

An Act to abolish certain Payments charged on the Consolidated Fund in favour of the Provost and Fellows of Trinity College, Dublin, *and of certain Professors in the said College; and to repeal the Stamp Duties payable on Matriculation and Degrees in the University of* Dublin.—[14*th* August 1855.]

CAP. LXXXIII.

An Act to continue certain Acts for regulating Turnpike Roads in Ireland.—[14*th* August 1855.]

CAP. LXXXIV.

An Act to provide for the Performance of certain Duties of the Speaker during his temporary Absence from the House of Commons.—[14*th* August 1855.]

CAP. LXXXV.

An Act for carrying into Effect the Engagements between Her Majesty and certain Chiefs of the Sherbro *Country near* Sierra Leone *in* Africa, *for the more effectual Suppression of the Slave Trade.*—[14*th* August 1855.]

CAP. LXXXVI.

An Act for securing the Liberty of Religious Worship.—[14*th* August 1855.]

WHEREAS it is expedient that the Laws affecting Assemblies for Religious Worship should be amended: And whereas by an Act passed in the First Year of King *William* and Queen *Mary*, intituled *An Act for exempting Their Majesties Protestant Subjects dissenting from the Church of* England *from the Penalties of certain Laws*, it is enacted that no Congregation or Assembly for Religious Worship shall be permitted or allowed until the Place of such Meeting shall be certified and registered or recorded as described in such Act: And whereas by an Act passed in the Fifty-second Year of King *George* the Third, Chapter One hundred and fifty-five, intituled *An Act to repeal certain Acts, and to amend other Acts, relating to Religious Worship and Assemblies, and Persons teaching or preaching therein*, it is enacted that no Congregation or Assembly for Religious Worship of Protestants (at which there shall be present more than Twenty Persons, besides the immediate Family and Servants of the Person in whose House or upon whose Premises such Meeting, Congregation, or Assembly shall be had,) shall be permitted or allowed unless the Place of such Meeting is certified as described in such Act, and that every Person who shall knowingly permit or suffer any such Congregation or Assembly as aforesaid to meet in any Place occupied by him, until the same shall have been so certified, shall forfeit for every Time any such Congregation or Assembly shall meet a Sum not exceeding Twenty Pounds nor less than Twenty Shillings, at the

1 W. & M. Sess. 1. c. 18.

52 G. 3. c. 155.

the Discretion of the Justices who shall convict for such Offence: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Prosecution to be maintainable for assembling for Religious Worship in a Place of Meeting not certified.

I. From and after the passing of this Act, nothing contained in the above-mentioned Acts, or in an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Thirty-six, shall apply to the Congregations or Assemblies herein-after mentioned, or any of them: that is to say,

(1) To any Congregation or Assembly for Religious Worship held in any Parish or any Ecclesiastical District, and conducted by the Incumbent, or in case the Incumbent is not resident, by the Curate of such Parish or District, or by any Person authorized by them respectively:

(2) To any Congregation or Assembly for Religious Worship meeting in a Private Dwelling House or on the Premises belonging thereto:

(3) To any Congregation or Assembly for Religious Worship meeting occasionally in any Building or Buildings not usually appropriated to Purposes of Religious Worship:

And no Person permitting any such Congregation to meet as herein mentioned in any Place occupied by him shall be liable to any Penalty for so doing.

Construction of certain Parts of 2 & 3 W. 4. c. 115. and 9 & 10 Vict. c. 59. as to Places of Worship of Roman Catholics and Jews.

II. So much of an Act passed in the Second and Third Years of King *William* the Fourth, Chapter One hundred and fifteen, as enacts that Her Majesty's Subjects professing the Roman Catholic Religion, in respect to their Places for Religious Worship, shall be subject to the same Laws as the Protestant Dissenters are subject to, and so much of an Act passed in the Ninth and Tenth Year of Her present Majesty, Chapter Fifty-nine, as enacts that Her Majesty's Subjects professing the Jewish Religion, in respect to their Places for Religious Worship, shall be subject to the same Laws as Protestant Dissenters are subject to, shall be respectively read as applicable to the Laws to which Protestant Dissenters in *England* are subject for the Time being after the passing of this Act.

CAP. LXXXVII.

CAP. LXXXVII.

An Act to amend the Act for the better Care and Reformation of Youthful Offenders, and the Act to render Reformatory and Industrial Schools in Scotland *more available for the Benefit of Vagrant Children.*—[14*th* August 1855.]

WHEREAS it is expedient to amend the Act of the last Session of Parliament, Chapter Eighty-six, "for the better Care and Reformation of Youthful Offenders in *Great Britain*," so far as respects the Provision thereby made for charging the Parent or Step-Parent of an Offender in certain Cases with Payments towards his Maintenance or Support: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 86.

Sects. 5 and 6 of the Act repealed.

I. Sections Five and Six of the said Act shall be repealed.

Provision for enforcing Contribution by Parents to the Maintenance of Juvenile Offenders in Reformatory Schools.

II. In every Case in which any Juvenile Offender shall be detained in a Reformatory School under the said Act, the Parent or Step-Parent, if of sufficient Ability, shall be liable to contribute to his Support and Maintenance a Sum not exceeding Five Shillings a Week; and it shall be lawful in *England* and *Wales* for any Two Justices of the Peace, upon the Complaint of any Person authorized by One of Her Majesty's Principal Secretaries of State to take Proceedings in that Behalf, to summon the Parent or Step-Parent, as the Case may be, and examine into his or her Ability, and (if on Consideration of all the Circumstances of the Case they think fit) to make an Order upon him or her for such weekly Payment, not exceeding Five Shillings *per* Week, as they shall think reasonable, during the whole or any Part of the Detention of such Juvenile Offender in such Reformatory School, such Payment to be made at such Times as by such Order may be directed to the Person so authorized to take Proceedings as aforesaid, or to such Person as the Secretary of State may from Time to Time appoint to receive the same, and by him to be accounted for and paid as the Commissioners of Her Majesty's Treasury may direct.

III. In

Recovery of Sums ordered to be paid.

III. In case Default be made for the Space of Fourteen Days in Payment of any Sum of Money which may have become payable by such Parent or Step-Parent under such Order, such Sum of Money shall in every such Case be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof; and if it shall appear to the said Justices on Confession of Defendants or otherwise, or if it shall be returned to the Warrant of Distress in any such Case that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall be lawful for the Justice to whom such Return is made, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol for any Term not exceeding Ten Days, unless the Sum to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Contribution how to be enforced in Scotland.

IV. In *Scotland* an Action for Payment of Sums for the Support and Maintenance of a Juvenile Offender under the said Act shall and may be raised before the Sheriff or any Two Justices of the Peace within the County in which Sentence was passed on the Offender, or in which the Defender in such Action may happen to reside; and such Action shall and may be brought by the Procurator Fiscal of the Sheriff Court of such County, and by no one else; and it shall be lawful for the Sheriff or Justices before whom such Action is brought to inquire into the Circumstances of the Party sued, and to decern for Payment of such weekly Sum not exceeding Five Shillings *per* Week during the Period of Detention of such Offender as he or they shall think fit, or, in his or their Discretion, to dismiss the Action; and such Decree for Payment of a weekly Sum shall be held to be and have all the Effect of a Decree in each Week for Payment of the Sum ordered to be paid for such Week; and the Sums recovered shall be accounted for and paid as the Commissioners of Her Majesty's Treasury may direct.

Payments may be remitted by Secretary of State or Lord Advocate.

V. It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Scotland* for the Lord Advocate, from Time to Time, where such Secretary of State or Lord Advocate shall in his Discretion think fit, to remit all or any Part of any weekly Payment which may have been made payable by any Order under this Act.

In Scotland Jus-

VI. In *Scotland* any Two or more Justices of the Peace shall within the Bounds of their Jurisdiction have the same Powers as are by the said recited Act conferred on any Sheriff, Magistrate of a Borough, or Police Magistrate.

tices of Peace to have same Power with Sheriff.

VII. And whereas by the Act of the last Session of Parliament, Chapter Seventy-four, intituled *An Act to render Reformatory and Industrial Schools in* Scotland *more available for the Benefit of Vagrant Children,* certain Powers are given to be exercised in *Scotland* by Sheriffs or Magistrates: Be it enacted, That all such Powers may be exercised by any Justice of the Peace in *Scotland* within the Limits of his Jurisdiction; and the Word "Magistrate" as used in the said last-mentioned Act shall be deemed to include the words "Justice of the Peace."

Powers given to Sheriffs, &c. under 17 & 18 Vict. c. 74. may be exercised by Justices.

CAP. LXXXVIII.

An Act to facilitate the Erection of Dwelling Houses for the Working Classes in Scotland.—[14*th* August 1855.]

BE it enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. When any Four or more Persons associating for the Purpose of erecting new or improving already existing Dwelling Houses for the Working Classes in *Scotland* shall have subscribed the Amount of the whole Capital requisite for carrying out the contemplated Undertaking, and framed a Contract of Copartnery, containing Provisions for the Management of the Affairs of the Association, and Rules for the Upholding and Occupation of the Houses, and for letting and granting Tacks of the same, it shall be lawful for such Persons to present a Petition to the Sheriff, or if within any of the Burghs as to which it is provided in the Third and Fourth of *William* the Fourth, Chapter Seventy-six, that the Dean of Guild elected in the Manner mentioned in the said Act should *ex officio* be a constituent Member of the Town Council, and enjoy the Powers and exercise the Functions theretofore enjoyed and exercised by Deans of Guild, then to such Dean of Guild, praying to have such Contract sanctioned by him and registered as after mentioned, provided that along with such Petition there shall be lodged the Plans and Specifications

Persons proposing to form Association for erecting or improving Dwelling Houses under Act to apply to Sheriff for his Sanction.

tions of the intended Erections or Improvements, and an Estimate of the Cost thereof, including the Cost of the Site and of the Buildings, if any, thereon.

Sheriff, if satisfied with Contract, Plans, &c. may interpone his Sanction and grant Warrant for recording the Contract and proceeding with the Undertaking.

II. The Sheriff or Dean of Guild, after such Inquiry as he may deem necessary, if satisfied that the Provisions of the Contract of Copartnery, and the Rules therein contained, either as originally framed or as altered or modified at his Sight, are suitable and proper, and consistent herewith and with Law, and that they sufficiently and properly provide for the Upholding, Management, and Disposal of the said Dwelling Houses, and also for the Occupation thereof, and securing against over-crowding; and that due and sufficient Means are provided in the said Plans and Specifications for the proper Ventilation, Drainage, and Sewerage of the intended Dwelling Houses and for the Supply of Water thereto, and that the Capital subscribed is sufficient for the Completion of the Undertaking, shall grant Warrant for the Erection or Improvement of the proposed Dwelling Houses, and for registering the said Contract in the Sheriff Court Books or Burgh Court Books respectively, and such Contract shall, on the Production to the Sheriff Clerk or Town Clerk of a Deposit Receipt or Certificate showing that One Half of the subscribed Capital has been paid up and lodged in Bank for the Purposes of the Undertaking, be registered therein accordingly.

On Registration, the Members of the Association and their Successors to subsist as an Association for the Purposes of the Act, subject to only a limited Liability for Debts, &c.

III. On the Registration of the Contract as aforesaid, the then Shareholders or Members in any such Undertaking, and all succeeding Shareholders or Members, whilst Shareholders or Members, shall subsist as an Association by the name or Title set forth in the Contract, for the following Purposes, namely, for acquiring, holding, and managing the Property and Effects of the Association in the Name or Title thereof, and for erecting or improving and afterwards upholding the Dwelling Houses described in the Specification and Plans, and for letting or disponing in Tack such Dwelling Houses, and for sueing and being sued, and entering into Contracts in the Name or Title of the Association: Provided always, that the Shareholders or Members of the Association shall be liable for the Debts, Contracts, and Engagements thereof to the Extent only of their Shares in the Capital Stock of the Association, which Capital Stock, with the Dividends allocated to the Shareholders or Members which may be at the Time unpaid, shall be alone liable for the Debts and Engagements of the Association.

Association may acquire Property

IV. Any such Association as aforesaid whose Contract may have been registered as herein-before provided, desirous of erecting or of acquiring and improving additional Dwelling

Houses for the Purposes aforesaid, may at any Time, and from Time to Time, apply to the Sheriff or Dean of Guild, by Petition accompanied by Plans, Specifications, and Estimates as herein-before provided in regard to the Dwelling Houses before mentioned, for his Sanction and Warrant for the Erection or Improvement of such additional Dwelling Houses subject to the Rules and Provisions contained in such Contract; and the Sheriff or Dean of Guild, if satisfied that all the Conditions herein-before required in reference to Dwelling Houses to be erected or improved under the original Application by the Association have been fulfilled in reference to such additional Dwelling Houses, may interpone his Sanction to the Erection or Improvement of such additional Dwelling Houses, and grant his Warrant accordingly, and the aforesaid Provisions in reference to the first-mentioned Dwelling Houses shall be applicable to such additional Dwelling Houses.

and Sheriff may grant Warrant for Erection of additional Dwelling Houses.

V. When the Buildings or Improvements set forth in the Plan and Specifications, whether under the original or any subsequent Petition by the Association, shall have been executed, the Sheriff or Dean of Guild shall, on Application by the Association, appoint the Dwelling Houses so erected or improved to be inspected at the Expense of the Association, and if satisfied that these have been duly executed in Terms of the Plans and Specifications, and on Proof that the Property of the said Dwelling Houses has been duly vested in the Association, free from Heritable Debt or Burden other than Feu Duty or Ground Annual, and other Right competent to the Superior or Recipient of the Feu Duty or Ground Annual, he shall pronounce an Interlocutor to that Effect, and until such Interlocutor shall have been pronounced it shall not be lawful for the Association or its Members to dispone in Tack, as after mentioned, any of the Dwelling Houses erected or improved by them, nor to assign or transfer any Share or Shares in such Association.

When Work duly executed Sheriff to declare so, and till then not lawful to let or dispose of Houses nor transfer Shares.

VI. It shall not be lawful to nor in the Power of the Association to enter into any Engagement except for carrying into Effect the Objects thereof, nor for that Purpose beyond the Capital subscribed, nor afterwards beyond the Rents derived from Tenants which may be realized at the Time: Provided always, that if the Expense actually incurred in the Erection or Improvement of the said Dwelling Houses shall exceed the estimated Cost, it shall be lawful for the Association, with the Sanction of the Sheriff or Dean of Guild, although not specially provided for in the Contract, to increase their Capital Stock by such Amount as such Sheriff or Dean of Guild shall authorize, and to issue new Shares to the Extent thereof.

No Engagement lawful except for Purposes of Association or beyond Stock or Rents.

VII. When

Title of Association to be effectual in perpetuity, without Renewal of the Investiture.

VII. When the Association shall have made up their Title in common Form to the Lands, Houses, or other Subjects acquired by them, their Infeftment therein, duly recorded, shall constitute a valid and effectual Title to them and their Successors in all Time to come, without the necessity of any Renewal of the Investiture: Provided always, that where no Agreement shall have been made with the Superior for a periodical or other Payment in lieu of the Casualty or Composition payable upon the Entry of Heirs and singular Successors, it shall be lawful for such Superior at the Death of the existing Vassal, and at the Expiration of every Twenty-five Years thereafter, so long as such Property shall be held for the Purposes of such Contract as aforesaid, to demand and take from the Association or their Successors a Sum equal to the yearly Feu Duty over and above the Feu Duty which may at the Time be due.

Rules in Contract to be Real Burdens on the Property.

VIII. The Rules anent the disponing in Tack, letting, and Occupation of the said Dwelling Houses contained in the Contract registered as aforesaid shall be Real Burdens on and affecting the said Houses and other Subjects of the Association, and shall be in all Time coming binding upon the Association, and all Parties in their Right, and upon every Owner and Occupant of the said Dwelling Houses, and it shall be competent to the Association, or the Procurator Fiscal, or the Owner or Occupant of any of the Lots or Portions of the Buildings, to enforce Observance of such Rules against any Party infringing or not implementing the same by summary Process before the Judge Ordinary of the Bounds; and the Sheriff and Dean of Guild shall have Power from Time to Time, on the Application of the Association, or of a Majority of the Owners, to alter, amend, and modify such Rules as to him shall seem just, but consistently always with the Provisions of this Act, and all Alterations so made shall be recorded in the Sheriff Court Books or Burgh Court Books, and the Rules so altered, amended, or modified shall thenceforward be binding and enforcible as aforesaid.

Shares to be deemed Moveable Estate.

IX. All Shares of the subscribed Capital Stock of such Association shall be held to be Moveable or Personal Estate.

As to Transfer of Shares.

X. All Transfers of such Shares shall be made and registered in the Manner prescribed by the Contract, provided that every such Transfer shall specify the full and true Purchase Money or Consideration for the same, and shall be duly stamped to denote the Duty chargeable thereon; and the Books in which the Names of the Shareholders, with their Designations and Places of Residence, and the Transfers of Shares are registered or entered, shall be open to Inspection to all Shareholders

holders and others interested at such Times and on such Conditions as may be regulated by the Contract.

Contract may provide either that Houses may be held and let or that they may be disposed of in separate Lots.

XI. It shall be provided in such Contract as aforesaid, either that the Buildings erected or improved by the Association shall permanently be held and let by them without Grassums, and for Periods not exceeding Twenty-one Years, and that the Rents, after deducting necessary Expenses, shall always be divided among the Shareholders for the Time being, or that the Association shall have Power, after giving public Notice by Advertisement of its Intention in that Behalf, to dispone to Individuals, in Tack or rental Rights as herein-after mentioned, separate Lots of the said Dwelling Houses for a Grassum or Price to be paid, together with a yearly Tack Duty which for each Lot shall be at least equal to a Proportion of the Feu Duty or Ground Annual, if any, payable for the Parcel of Ground whereon the Buildings of which such Lot forms a Part are erected, corresponding to the total Number of Lots into which the same may be divided, with Twenty-five per Cent. thereon in addition, and such Tack Duty in all cases in which the Superior is entitled to a periodical Duplicand of the Feu Duty shall be subject also to Duplication for the year in which such double Feu Duty is payable to the Superior.

Where Lots are provided to be disposed of, the Association to lodge with Sheriff Clerk a Plan and a Register Book for recording Transfers thereof.

XII. In all Cases in which it is provided by the Contract that Lots of the Buildings erected or improved may be so disponed, the Association shall, so soon as the Sheriff or Dean of Guild shall have pronounced an Interlocutor finding the Erection or Improvement of the Dwelling Houses as aforesaid to have been properly executed as herein-before provided, lodge with the Sheriff Clerk or Town Clerk an accurate Plan, on a Scale of not less than an Inch to each Twenty Feet, of such Dwelling Houses, exhibiting distinctly each separate Dwelling with its bounding Divisions, together with the Yard, Court, Garden, Green, or other Pertinents, if any, thereto belonging, and having each such separate Dwelling and Pertinents marked with a distinct Number legibly written or impressed on the said Plan, and also exhibiting any Yard, Court, Green, or other Pertinents which may be common to the Occupants of the Dwelling Houses; and the Sheriff or Dean of Guild, if satisfied of the Accuracy of such Plan, and with its Distinctness as clearly exhibiting each separate Dwelling and the Pertinents aforesaid, shall, by a Docquet written thereon, or on each separate Sheet thereof when consisting of separate Sheets not joined together, and subscribed by him and bearing the Date at which the same is so subscribed, certify such Plan as the recorded Plan of the said Dwelling Houses; and the Association shall also lodge with the Sheriff Clerk or Town

Clerk a Register or Rental Book having all the Pages duly and progressively numbered from Number One onwards, and having an equal Number of the whole Leaves thereof in proportion to the total Number of Dwellings appropriated for entering the Tack or Rental Right of each Dwelling respectively, and the Transfers thereof, and in the Order of the Numbers of such Dwellings as marked on the Plan, the Number of each Dwelling as so marked on the Plan being in addition to the Number of the Page, legibly impressed or written on each Page of the several Leaves appropriated to each such Dwelling respectively, and this Book shall, of the same Date with that on which the Plan is docqueted, be certified by a Docquet subscribed by the Sheriff or Dean of Guild with the Date of his Subscription to be the Register or Rental Book for the Tacks or Rental Rights of the several Lots of the Buildings erected or improved by the Association under each separate Warrant as aforesaid, and the Transfers thereof; and the said Plan and Register Book shall permanently remain in the Custody of the said Sheriff Clerk or Town Clerk, and no Transfer of the Tack or Rental Rights of any such Lot or Dwelling House shall be valid or effectual unless entered as herein-after provided in the said Book.

Mode of disponing Lots by the Association.

XIII. Whensoever the Association shall grant to any Person a Tack or Rental Right of any of the Lots of their said Buildings, the same shall be so granted by an Entry at the Top of the First Page of the Leaves appropriated to the particular Lot or Dwelling to be so disponed in the Form of the Schedule (A.) hereunto annexed, subscribed, in Presence of the Sheriff Clerk or Town Clerk and Two Witnesses, by the Chairman or Clerk of the Association and by the Party accepting the Tack or Rental Right, or by some Person authorized by a written Mandate in the Form of the Schedule (B.) hereunto annexed to accept on his Behalf, and which Mandate shall be lodged with the Sheriff Clerk or Town Clerk, and recorded in the Sheriff Court or Burgh Court Books; and the said Sheriff Clerk or Town Clerk and the Two Witnesses shall attest the said Entry by their Subscriptions, and such Tack or Rental Right shall thereby be completed, and shall be valid and effectual notwithstanding of no Ish being stipulated thereto to the Party in whose Favour it shall have been granted, and to his Heirs and Assignees, who shall thenceforward be entitled to the perpetual Possession, Use, and Enjoyment of the Lot or Dwelling so disponed and the Pertinents thereof, if any, with the Share effeiring thereto of any common Privileges and Accommodations provided for or belonging thereto, subject always to the Rules and Conditions of the Contract, with Power to occupy, let, and transfer or assign the Right to such Lot or Dwelling, subject to such Rules and Conditions; and he and they shall not be liable for nor shall the Lot or Dwelling itself or the Furniture or Effects therein, be subject to any Charge, Debt, or Burden affecting the Buildings or Site thereof, or due by the Association, to any Extent beyond the Tack Duty payable for such Lot: Provided always, that this Provision shall not be construed as freeing such Owners from any public or parochial Rates or Taxes to which they may be liable by Law in respect of their Right to or Occupation of such Lot or Dwelling, nor from any Restrictions, Limitations, or Conditions contained in the feudal Investiture, and to which they would otherwise in Law be subject, in so far as not expressly modified by this Act.

Recovery of Feu Duty.

XIV. If when Tacks or Rental Rights have been granted as aforesaid the Association, or the Owners in their Place, shall in any Year fail to make due Payment to the Superior in One Sum of the yearly Feu Duty or Duplicand thereof when claimable, such Superior shall be entitled to recover from each Owner the Tack Duty or Duplicand thereof payable by him for such Year, and in consideration of his Trouble and Expense in separately collecting the same to appropriate the whole of the Tack Duties to his own Use, notwithstanding their exceeding by Twenty-five *per Cent.* the Amount of Feu Duty or Duplicand to which he may have Right; but he shall not in any event be entitled to exact from any such Owner a greater Sum than the Tack Duty stipulated in his Tack or Rental Right, or the Duplicand thereof, as the Case may be; and no Poinding of the Ground shall be competent for the Recovery of any Feu Duty or Duplicand thereof, or of any Casualty or Ground Annual, from any Owner, except to the Extent of such Tack Duty or Duplicand thereof, as the Case may be.

Powers of Owners in repairing and rebuilding.

XV. The Owner of each separate Tenement, and the several Owners of the Lots or Dwellings in each separate Tenement, shall have Power to uphold, repair, and when necessary rebuild such Tenement, subject to the Rules hereinbefore mentioned; and the Resolutions of the Majority of such several Owners in all Matters concerning such repairing, upholding, and rebuilding, in so far as not inconsistent with such Rules, shall bind the Minority, and the Majority shall be entitled to sue the Minority for the Enforcement of such Resolutions by summary Process before the Sheriff or Dean of Guild, who shall have Power to determine the Proportion of the Cost of such repairing, upholding, and rebuilding to be borne by each Owner when disputed; and if the Association shall at any Time be dissolved or cease to exist, the Owners for the Time being of the Lots of the Dwelling Houses erected on any Parcel of Ground held by one Title and under a single Superior shall be deemed their Successors, to the effect of constituting as a Society or Corporate Body the Vassal in such Ground, but without being subject to any further Obligation or Liability than is herein-before provided in regard to such Owners.

As to subsequent Transfers.

XVI. All Transfers of Tacks or Rental Rights to such Lots or Dwellings shall be made by Entry in the said Register or Rental Book under the Number of the Lot or Dwelling to be transferred as marked on the Plan, and next after the immediately preceding Transfer, in the Form of the Schedule (C.) hereunto annexed, and the same shall be subscribed, in Presence of the Sheriff Clerk or Town Clerk and Two Witnesses, by the Party making and by the Party accepting the Transfer, or their respective Mandatories duly authorized by written Mandate lodged and recorded as aforesaid, and also by the said Sheriff Clerk or Town Clerk and Witnesses; and thereupon the Party in whose Favour such Transfer is made shall be vested with the Right transferred, as the same subsisted in the Party to whom it was originally granted by the Association when so originally conveyed, and free from all Burdens, Debts and Claims through or in right of the Granter of the Transfer or any previous Owner.

Mode of registering Right of the Representative of a Party deceased.

XVII. Where any Party in right of any such Lot or Dwelling as aforesaid shall have died without executing a Transfer thereof in manner above mentioned, the Person claiming Right thereto, whether by Succession, or in virtue of any Deed of Settlement or Conveyance by the Deceased, shall apply to the Sheriff or Dean of Guild for his Warrant to be entered in the Register or Rental Book, as now in right of such Lot or Dwelling; and the Sheriff or Dean of Guild if satisfied, after such Intimation of the Application as he may deem proper, and hearing such Parties duly interested as may appear to oppose the same, that the Applicant is justly entitled to such Lot or Dwelling, shall, without any Service or other Process at Law, cause an Entry to that Effect in the Form of the Schedule (D.) hereunto annexed to be made in the Register or Rental Book under the Number of the Lot or Dwelling held by the Deceased, and next after the Transfer in favour of the Deceased, which Entry shall be subscribed by the said Sheriff or Dean of Guild and by the Sheriff Clerk or Town Clerk, and thereupon the full Right to such Lot or Dwelling, with the Pertinents and Privileges thereto belonging, shall be vested in such Applicant.

XVIII. Where any Party shall have used Inhibition or obtained Decree of Ajudication against the Owner of any such Lot or Dwelling as aforesaid, the Sheriff Clerk or Town Clerk shall, on the Letters of Inhibition or an Extract of the Decree of Adjudication being presented to him, make an Entry of the same on the Margin of the Register or Rental Book, opposite the Entry of such Owner's Right, specifying the Name of the Inhibiter or Adjudger, with the Date of the Inhibition or Adjudication, the Registers in which they are recorded, and the Date of recording, together with the Date of such Entry; and if such Inhibiter or Adjudger fail to get such Entry made, the Inhibition or Ajudication shall not affect or burden such Lot or Dwelling, or the Owner thereof in reference thereto, or any Purchaser from such Owner; but while such Entry of an Inhibition or Adjudication remains not marked as recalled or discharged, and the Sheriff Clerk or Town Clerk is hereby required so to mark it on legal Proof of Recal or Discharge being presented to him, no Transfer shall be entered by such Sheriff Clerk or Town Clerk, or, if entered, it shall not be available as against such Inhibiter or Adjudger; and where an Adjudger shall have obtained Decree of Declarator of Expiry of the Legal, it shall be lawful for him to apply to the Sheriff or Dean of Guild to be registered as the Owner in Right of the Tack or Rental Right of his Debtor, and in like Manner it shall be lawful for any Adjudger in Implement, or for the Trustee on the sequestrated Estate of any Owner, to apply to the Sheriff or Dean of Guild to be registered as Owner in his Place, and the Sheriff or Dean of Guild shall, on Production to him of an Extract of the Decree of Declarator, or of Adjudication in Implement, or of a duly certified Copy of the Act and Warrant of Confirmation of such Trustee, cause an Entry in form of the Schedule (E.) to this Act annexed to be inserted in the Register or Rental Book under the Number of the Lot or Dwelling belonging to the Debtor or Bankrupt, and next after the Transfer in his Favour, and thereupon the full Right to such Lot or Dwelling, with the Pertinents and Privileges thereto belonging, shall be vested in such Adjudger, Adjudger in Implement, or Trustee.

Inhibitions and Adjudications.

XIX. Each separate Dwelling shall constitute a distinct Lot, and shall consist of not less than Two nor more than Five Rooms with Fireplaces, and it shall not be competent or lawful to divide any of such Lots or Dwellings into Shares or separate Properties, but each Lot or Dwelling shall at all Times be transferred and pass whole and undivided.

Each Dwelling shall constitute a distinct Lot not liable to Subdivision.

XX. The several Entries aforesaid in the Register or Rental

Fees for recording Entries in Register Book.

Rental Book shall be written by the Sheriff Clerk or Town Clerk, or by a Clerk employed by him and under his Direction and Supervision, and such Sheriff Clerk or Town Clerk shall be entitled to charge and to receive for each First Grant of a Tack or Rental Right of any Lot or Dwelling, including the first Extract thereof, a Fee of Ten Shillings, and for each subsequent Transfer or Entry, including the First Extract thereof, a Fee of Five Shillings, and for the Entry of an Inhibition or Adjudication, or the Marking of the Recal or Discharge thereof, a Fee of One Shilling respectively.

The Stamp Duties on Tacks and Transfers may be denoted by impressed or adhesive Stamps.

Adhesive Stamps to be adapted for Certain Particulars.

XXI. The Stamp Duties by Law chargeable upon or in respect of the Tacks to be made in pursuance of this Act, and of the Transfers thereof, may be denoted either by Stamps impressed upon the Paper upon which the same are made or entered, or by adhesive Stamps to be provided by the Commissioners of Inland Revenue, and to be affixed thereto, and such adhesive Stamps shall be adapted for writing thereon the name or Title of the Association, the Names of the Parties to the Instrument to which the same shall be affixed, and of the Sheriff Clerk or Town Clerk, and the Date of such Instrument or of the Entry thereof, and of the Number of the Lot or Dwelling to which the same relates as marked on the Plan; and every such Stamp at or before the Execution or signing of the Instrument to which the same shall be affixed shall be signed in the Places appropriated for the Purpose by the Persons who shall execute or sign such Instrument, and the Sheriff Clerk or Town Clerk, with their Names respectively (and shall be truly filled up with all such other Particulars relating to such Instrument for which the same shall be adapted); and in default the Instrument to which the same shall be affixed shall be deemed to be not duly stamped, and the Sheriff Clerk or Town Clerk who shall attest or sign any such Instrument upon or to which the full and proper Stamp Duty is not impressed or affixed according to the true Intent and Meaning of this Act shall forfeit the Sum of Twenty Pounds.

Register Book open to Inspection, and Extract of Entries to be received in Evidence.

XXII. The Register or Rental Book shall be open to Inspection, under such Regulations as the Sheriff or Dean of Guild may appoint, by all Parties desirous to search the same; and for every Search a Fee of One Shilling shall be payable to the Sheriff Clerk or Town Clerk in respect of each separate Lot or Dwelling as to which such Search shall be made; and the Sheriff Clerk or Town Clerk shall be bound to give to any Person demanding the same a certified Extract of any Entry in the Register Book on receiving for the Extract of each such Entry a Fee of Two Shillings and Sixpence, and such Extract shall bear Faith and be admissible in Evidence in any Court of Law or Equity, and when accompanied by a Certificate under the Hand of the Sheriff Clerk or Town Clerk that no subsequent Transference of the Lot or Dwelling to which it applies appears on the Register Book, it shall be sufficient Proof that the Person therein set forth as the Party to whom such Lot or Dwelling has thereby been transferred is the Owner of such Lot or Dwelling.

Power to acquire dilapidated or noisome Buildings in Towns.

XXIII. Where there shall exist within a Town or Burgh any Building or Range or Block of Buildings which, by reason of Faults in their original Construction or of the State of Dilapidation into which they may wholly or partially have fallen, are unsuitable for Dwelling Houses, and the Occupation of which in their existing State and Condition is attended with Risk of Injury or Disease to the Inhabitants or the Neighbourhood, or which, by reason of the Abandonment of the whole or Part thereof by the Parties having the legal Title thereto, or of Uncertainty or Ignorance as to who such Parties may be, may have become a Receptacle or Place of Harbourage for Persons of dissolute and vicious Character, or in any way a Nuisance to the Neighbourhood, it shall be lawful for any such Association as aforesaid desirous of acquiring the same for the Purpose of improving and repairing such Buildings, or of erecting new Dwelling Houses on the Site thereof, for Dwellings for the Working Classes under this Act, to apply to the Magistrates and Town Council of the Town or Burgh for their Consent to the Application to the Court of Session herein-after mentioned; and the said Magistrates and Town Council, if satisfied, upon such Inquiry as they may think necessary, the Expense of which shall be borne by the said Association, that the State of such Building or Block of Buildings, from One or more of the Causes above mentioned, gives Occasion to the Risk of Injury or Disease to the Inhabitants or Neighbourhood, or that they afford Harbourage to Persons of a vicious or dissolute Character, or otherwise constitute a Nuisance to the Neighbourhood, may require the Proprietors or reputed Proprietors of such Buildings, or their Factors or Agents, so far as such Proprietors, reputed Proprietors, Factors, or Agents may be known, within Three Months after Requisition made to them to grant Obligation to execute, within such reasonable Time as the Magistrates and Town Council may fix such Operations in the way of rebuilding, altering, repairing, draining, or otherwise as the said Magistrates and Town Council may deem necessary for the Avoidance of such Risk or Nuisance in Time to come, and also to find Security to their Satisfaction that such Buildings shall not thenceforward be allowed to afford such Harbourage as aforesaid; and if within the said Three Months no such Obligation be granted, or no such Security be found, or if within the Period fixed by the said Magistrates and Town Council such Obligation, if granted, shall not be implemented, it shall be lawful for them to give such Consent as aforesaid, and on such Consent being given it shall be lawful for such Association to apply by summary Petition to the Court of Session, in either of its Divisions, for Authority to acquire such Building, or Range or Block of Buildings, for the Purposes aforesaid or either of them, at a Price to be fixed in manner herein-after provided, and to have the same adjudged to them for such Purposes.

Court may remit to Sheriff to ascertain Value.

XXIV. On such Petition being presented the said Court shall order Service thereof upon the Proprietors or reputed Proprietors of the Property sought to be acquired, or their Factors and Agents, so far as such Proprietors, reputed Proprietors, or Factors may be known and such Intimation by public Advertisement as they shall deem proper; and after hearing any of such Proprietors as may make Compearance, and after such Inquiry by Report of skilled Men or otherwise as they may see fit, the Expense whereof shall be borne by the Association, if satisfied that the State of the Buildings sought to be so acquired gives Occasion to the Risk of Injury or Disease to the Inhabitants or Neighbourhood, or that they afford Harbourage to Persons of dissolute or vicious Character, or otherwise constitute a Nuisance to the Neighbourhood, and that it would be for the public Advantage that the said Buildings or any Portion thereof should be acquired for and appropriated to the Purposes aforesaid, they shall pronounce an Interlocutor containing their Finding to such Effect, and remitting to the Sheriff to take Steps for having a Price or Value put upon the same; and if the said Court shall refuse such Petition they shall have Power to award against the Association to any Parties appearing and opposing the same the whole or such Part of the Expenses incurred by them as to the said Court shall seem just.

Sheriff to ascertain Value according to Provisions of Land Clauses Act.

XXV. On the Remit so made being presented to the Sheriff, he shall forthwith proceed to have the Price or Value of the said Buildings and Site thereof determined according to the Provisions for determining the Value or Compensation to be paid for Lands and Heritages taken for public Undertakings contained in an Act passed in the Eighth and Ninth Years of Her Majesty, Chapter Nineteen, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in* Scotland: Provided always, that a separate Price shall be ascertained for every Part or Portion of such Buildings known to belong to distinct Proprietors.

Value or Price, when ascertained, to be lodged in Bank in Name of Accountant of Court of Session, and Court thereupon to adjudge Property to Association.

XXVI. When such Price or Value shall thus have been fixed, the Association shall within Fourteen Days thereafter pay into any of the chartered Banks of *Edinburgh* the Amount so fixed, with an additional Sum on the Price of each separate Property, conform to the Rates set forth in the Schedule (F.) to this Act annexed, to provide for the Expenses herein-after mentioned, the Money so lodged being placed to the Credit of the Accountant for the Time being of the Court of Session; and the Association shall further lodge with the Accountant Certificates of a complete Search of Incumbrances in reference to each such Property; and on such Accountant reporting to the Court that the Money has been so lodged, and that a Receipt therefor in his Name has been delivered to him, and that Certificates of a complete Search of Incumbrances as aforesaid have also been lodged with him, the said Court shall adjudge and decern the Buildings aforesaid and site thereof, or such Portion of the same as they may have found it for the public Advantage to be acquired as aforesaid, and the Price or Value of which has been duly lodged in the Bank as herein-before provided, to belong to the Association for the Purposes aforesaid, and on an Extract of their Decree being recorded in the General or Particular or Burgh Register of Sasines, which the Keeper of such register is hereby required to record on Payment of the usual Fees when the same is presented to him, the absolute Right of Property in and to the said Buildings and the Ground whereon they stand, with the Pertinents and Appurtenances thereof, shall be vested in the said Association and their Successors without any other Title, and these shall thenceforward belong to and be held by the said Association and their Successors for the Purposes aforesaid, free from all right of Challenge on the Part of any Person claiming to have been the true Owner thereof, or to be in right of the true Owner, and free from all Heritable Securities or Burdens other than any Feu Duty or Casualty payable to the Superior, or any Right of Servitude belonging to the Proprietors of neighbouring Tenements: Provided always, that where no agreement shall have been made with the Superior for a periodical or other Payment in lieu of the Casualty or Composition payable upon the Entry of Heirs and Singular Successors, it shall be lawful for such Superior, at the Death of the existing Vassal, and at the Expiration of every Twenty-five Years thereafter, so long as such Property shall be held for the Purposes aforesaid, to demand and take from the Association or their Successors a Sum equal to the yearly Feu Duty over and above the Feu Duty which may at the Time be due; and the Money lodged as aforesaid as the Price or Value of such Buildings, and the

Site thereof, or of any Part of the same, shall be a Surrogate for the Buildings themselves, and Site thereof, or Portion thereof respectively, to the Proprietors and all Parties claiming any Heritable Right, Burden, or Security in or over the same; and such Money, till paid as herein-after mentioned, shall be subject to all Claims by such Proprietors or other Parties to which the Buildings, and Site or Portion thereof, if not acquired as aforesaid, would have been subject.

Accountant to receive Claims on Money lodged;

XXVII. So soon as the Decree of Adjudication shall have been pronounced as aforesaid, the Accountant of the Court of Session shall, by such special Intimation and public Advertisements as he shall deem proper, the Expense of which Intimation and Advertisements shall be defrayed out of the Per-centage herein-before mentioned, call all Parties claiming to be Proprietors or to be entitled to any Annuity, Heritable Debt, or other Burden out of the Buildings aforesaid or Rents thereof, to compear before him by themselves or their Agents, and to lodge with him a written Statement of their Claim, together with the Titles or other Deeds or Writings establishing the same, and such Parties shall be entitled to apply, by Motion, to the Division of the Court of Session in which the Petition for Adjudication shall have depended, for a Diligence to recover such Titles, Deeds, or Writings necessary to establish their Claim as may not be in their own Possession, and the said Court shall do thereon as shall seem to them to be just.

and to prepare a Scheme of Division.

XXVIII. On receiving the Claims which shall be so lodged, with the Titles, Deeds, and Writings produced, the said Accountant shall consider the same, and shall have Power to call for such Explanations or further Productions, and to take such Assistance by the Opinion of professional or skilled Persons as he may deem necessary, and to hear competing Parties, if any such appear before him; and thereupon he shall prepare a Scheme of Division and Payment of the said Price or annual Proceeds thereof, according to the respective Rights and Interests of the Parties, as to those Portions of the Price to which, or to the annual Proceeds whereof, he is satisfied that a valid Right has been instructed; and he shall append to such Scheme a Statement of those Portions of the Price to which, in his Opinion, no valid Right has been instructed, or in regard to which no Claim may have been made, or which may be required to satisfy or secure any Rights appearing from the Search of Incumbrances, and remaining undischarged, as to which no Claim has been entered or established, and he shall cause public Notice, by such Advertisement as he may deem proper, to be made, that the said Scheme has been prepared, and that it lies for Inspection at his Office, or at some other suitable Place appointed by him for that Purpose; and the said Scheme shall accordingly lie there, open for Inspection to all Parties interested for a Period of not less than Three Weeks from the Date of the First Advertisement.

Party dissatisfied with Scheme may appeal to Court of Session.

XXIX. It shall be competent for any Claimant or Party competing who shall be dissatisfied with the proposed Scheme of Division, to appeal against the same, so far as objected to by him, by Note to the Division of the Court of Session in which the Petition for Adjudication depended; and the said Court, after hearing Parties, shall dispose of the said Appeal and the Expenses thereof as to them shall seem just.

Accountant to divide Price, retaining the Amount unclaimed or to which no Right made good.

XXX. At the Expiry of the Period allowed for the Inspection of the Scheme of Division as aforesaid, the said Accountant shall grant Orders on the Amount lodged in Bank in his Name as aforesaid, for Payment of the Sums set forth in the said Scheme of Division, or the annual Proceeds thereof, as to which no Appeal has been taken, in favour of the Parties to whom those have been allotted in the said Scheme, and so soon as any Appeals that may have been taken shall have been disposed of by the said Court, he shall grant Orders for Payment of such Sums as may have been the Subjects of such Appeal in accordance with the Judgments of the Court pronounced thereupon; and in regard to any Portions of the Price as to which no Claim may have been made, or which he may have considered necessary to satisfy or secure Rights appearing from the Search of Incumbrances, or as to which he may have found that no valid Right has been instructed, and his Finding to this Effect may not have been appealed against, or, if appealed against, may have been adhered to by the Court, the said Portions of the Price shall be retained by him, subject to the Directions of the Court in regard to its Investment, till a valid Right shall have been instructed: Provided always, that it shall be competent for any Party conceiving himself to have Right thereto to lodge with the said Accountant at any Time thereafter his Claim, which, after being publicly intimated by such Party as the said Accountant may direct, shall be dealt with and disposed of in the Manner herein-before provided as to the Claims originally lodged as aforesaid.

Expenses of Procedure.

XXXI. The Expense of Advertisements and Intimations required as aforesaid to be made by the said Accountant, and of taking any Opinion of professional or skilled Men which he may deem necessary, and of framing and reporting to the Court the Scheme of Division, shall be defrayed by him out of the Sum beyond the Price to be deposited as herein-before mentioned, and any Balance thereof remaining after such Scheme has been framed shall be repaid by him to the Association, and any further Sum which may be required to meet such Expenses shall be paid by the Association; and as to all other Expenses of the respective Claimants and Objectors, the Court shall have Power to award Payment thereof by and to such Persons as to the said Court may seem just.

Accountant yearly to lay before Court a State of retained Monies.

XXXII. The said Accountant shall annually lay before the First Division of the Court of Session a State of the Monies lodged in his Name under this Act, and not paid away and distributed as aforesaid, and the said Court shall give such Directions as to the Investment thereof, and of the accruing Interests, and as to the Publication of such State as to them may seem proper, the Expense of such Publication being defrayed out of such accruing Interest.

Interest on Monies lodged in Bank to be yearly added to Capital.

XXXIII. Every Bank with which any of the Monies aforesaid shall be deposited in Name of the said Accountant shall, once at least in every Year, accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest together as Principal; and any Bank failing so to do shall be liable to account as if such Money had been so accumulated.

Sheriff may in certain Cases sanction the Disposal of the Buildings for other Objects.

XXXIV. It shall be lawful for any such Association as aforesaid, at any Time after the Lapse of Ten Years from the Date of any Warrant authorizing the Erection or Improvement of any Dwelling Houses under this Act, to present to the Sheriff or Dean of Guild an Application praying for his Authority to sell and dispone the Dwelling Houses erected or improved under such Warrant free from the Rules of the Contract recorded as aforesaid, and from the Provisions of this Act: Provided always, that Votes to the Extent of Four Fifths of the Shareholders, or where the Dwelling Houses shall have been disponed in Tack as aforesaid that the Consent of Four Fifths of the Owners of the Dwelling Houses proposed to be sold, shall have been given in favour of the Resolution to make such Application, and the Sheriff or Dean of Guild, if after hearing any Shareholder or Owner who may appear to oppose the same he shall be satisfied that from Change of Circumstances or other Causes the Objects of the Association will no longer be attained in reference to such Dwelling Houses, may pronounce an Interlocutor authorizing the same, with the Pertinents thereof, to be sold and disponed; and on such Interlocutor being recorded in the Register of Sasines in which the Infeftment of the Association was recorded, the Keeper of which is hereby required to record the same on Payment of the usual Fees, it shall be lawful for such Association to sell and dispone such Dwelling Houses and Pertinents and to grant Dispositions to the Purchaser or Purchasers in common Form, and such Purchaser or Purchasers shall thereupon

upon acquire Right to and shall hold the same free from the Provisions and Rules of the Contract of the Association, and from the Provisions of this Act, and from any Right or Claim on the Part of any of the Shareholders of such Association, or of the Owners, or of any one claiming through or in right of any such Shareholder or Owner, and the Price or Prices of such Dwelling Houses shall, after Deduction of the Expense of selling, be divided at the Sight of the Sheriff or Dean of Guild among the Shareholders or Owners according to their respective Rights and Interests.

Short Title.

XXXV. This Act may be cited for all Purposes as "The Dwelling Houses (*Scotland*) Act, 1855."

Interpretation of Terms.

XXXVI. The Word "Sheriff" shall mean and include the Sheriff and Sheriff Substitute of the County in which the Property held or proposed to be acquired by the Association is situate; and the Words "Sheriff Clerk" shall include the Sheriff Clerk Depute as well as the Sheriff Clerk Principal, and shall mean, where there are Two or more Wards in any County, the Sheriff Clerk Principal or Depute, officiating within the Ward in which such Property lies; "Dean of Guild" shall mean the Dean of Guild of the Burgh within which the Property held or proposed to be acquired by the Association is situate, such Burgh being always one of those referred to in the First Section hereof; "Town Clerk" shall mean and include the Town Clerk, Assistant Town Clerk, and Depute Town Clerk of such Burgh; "Owner" shall mean the Party for the time being standing on the Register or Rental Book as in right of a Tack or Rental Right of any Lot or Dwelling forming Part of any Dwelling Houses erected or improved under this Act; and "Proprietor" shall mean any Person, Corporation, Trustee, or others who under the Provisions of the Lands Clauses Consolidation (*Scotland*) Act, 1845, are enabled as Owners to sell and convey Lands to the Promoters of an Undertaking.

Nothing to exempt Association from Provisions of future General Acts.

XXXVII. Nothing in this Act contained shall exempt any Association established under this Act, or the Rules in any Contract of Copartnery entered into under the same, from the Provisions of any Act or Acts passed in any future Session of Parliament for the better Regulation of such Associations.

SCHE-

SCHEDULES.

SCHEDULE (A.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute *or* Town Clerk] and of the Witnesses hereto subscribing, we [*insert the Name of the Association*] constituted under the "Dwelling Houses (Scotland) Act, 1855," by a Contract sanctioned by the Sheriff [*or* Dean of Guild] of Date and recorded in the Sheriff [*or* Burgh] Court Books of Date , in consideration of the Grassum of hereby dispone in perpetual Tack or Rental Right to *A.B.* [*designing the Disponee*] that Lot of the Dwelling Houses erected [*or* improved] by us at [*Place and County, or Burgh, with Street if in a Town, and Parish if in a Country District,*] under Warrant dated , being Number of the same as marked on the Plan thereof docqueted of Date , at the yearly Tack Duty of [*Sum*] payable at Whitsunday [*or* Martinmas]. And I the said *A.B.* [*or, as the Case may be,* I, *L.M.*, Mandatory for the said *A.B.*, by Mandate dated and recorded in the Sheriff [*or* Burgh] Court Books of Date , on his Behalf] accept this Tack.

(Signed) *C.D.* Chairman, [*or* Clerk]
of the Association on
their Behalf.
(Signed) [*A.B.*
(Signed) *E.F.* [*designing him with his*
Residence] Witness.
(Signed) *G.H.* [*designing him with his*
Residence] Witness.
Executed before me, with proper adhesive
Stamp affixed,
(Signed) *I.K.* Sheriff [*or* Town] Clerk.

SCHEDULE (B).

I *A.B.* [*Designation*] authorize *C.D.* [*Designation*] to accept [*or* grant to *E.F.*] an Assignation to Lot, Number , of the Dwelling Houses erected by [*Name of Association*] at , under Warrant of Date , and to subscribe the Entry of such Transfer in the Register book on my Behalf. [*Testing Clause according to the Form of the Law of Scotland.*]

SCHEDULE (C.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute *or* Town Clerk] and of the Witnesses hereto subscribing, I, *A.B.*, [*Designation*] [*or, as the Case may be,* I, *G.H.* Mandatory for *A.B. designing him,* by Mandate dated and recorded in the Sheriff *or Burgh* Court Books of Date] in consideration of the Price of assign to *C.D.* [*Designation*] my Tack of Lot Number , of the Dwelling Houses erected by [*Name of Association*] at [*Place*], under Warrant, dated , and I the said *C.D.* [*or, as the Case may be,* I, *E.F.*, Mandatory for the said *C.D.* by Mandate, dated and recorded in the Sheriff [*or* Burgh] Court Books of Date on his behalf,] accept this Transfer.

[*To be subscribed as in Schedule* (*A.*)]

SCHEDULE (D.)

At in the County of this [*Date*] the Sheriff [*or* Sheriff Substitute *or* Dean of Guild] having considered the Application of *C.D.* [*designing him*] to be registered as Owner of Lot Number of the Dwelling Houses erected at [*Place*] by [*Name of Association*], under Warrant of Date , in place of the deceased *A.B.* [*designing him*] as his Heir, [*or* in virtue of Disposition or Deed of Settlement by the said *A.B.*, dated and recorded of Date in the *as the Case may be,*] finds that the said *C.D.* is now in right of the said Lot, and the owner thereof, and he is hereby registered as such accordingly.

(Signed) *E.F.*

(Signed) *G.H.*, Sheriff [*or* Town] Clerk.

SCHE-

SCHEDULE (E.)

At in the County of this [*Date*] the Sheriff [*or* Sheriff Substitute *or* Dean of Guild] having considered the Application of *C.D.* [*designing him*] to be registered as Owner of Lot, Number , of the Dwelling Houses erected at [*Place*] by [*Name of Association*] under Warrant of Date the in place of *A.B.* [*designing him*] in virtue of an Adjudication and decree of Expiry of the Legal thereon of Date [*or* in virtue of a Decree of Adjudication in Implement of Date *or* in virtue of an Act and Warrant of Confirmation in favour of the said *C.D.* as Trustee on his sequestrated Estate, of Date], finds that the said *C.D.* is now in right of the said Lot as Owner thereof, and he is hereby registered as such accordingly.

(Signed) *E.F.*
G.H., Sheriff [*or* Town] Clerk.

SCHEDULE (F.)

Where the Price does not exceed 500*l.*, Four per Cent. thereon.
Where it exceeds 500*l.* but not 1,000*l.*, 25*l.*
Where it exceeds 1,000*l.* but not 2,000*l.*, 30*l.*
Where it exceeds 2,000*l.* but not 5,000*l.*, 40*l.*
Where it exceeds 5,000*l.*, 50*l.*

CAP. LXXXIX.

An Act to amend the Provisions of the Huddersfield *Burial Ground Act*, 1852.—[14*th* August 1855.]

CAP. XC.

CAP. XC.

An Act for the Payment of Costs in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer.—[14*th* August 1855.]

WHEREAS in divers Proceedings instituted by or on behalf of the Crown against the Queen's Subjects in respect of Matters relating to the Revenue no Costs are recovered by the Crown, except in certain Cases, and no Costs are paid by the Crown to the subject: And whereas it is expedient to assimilate the Law as to the Recovery of Costs in such Proceedings by or on behalf of the Crown to that in force as to Proceedings between Subject and Subject: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

In all Crown Suits, &c., where the Crown is successful Costs to be recovered as between Subject and Subject.

I. In all Informations, Actions, Suits, and other legal Proceedings to be hereafter instituted before any Court or Tribunal whatever in the United Kingdom of *Great Britain* and *Ireland*, by or on Behalf of the Crown, against any Corporation, or Person or Persons, in respect of any Lands, Tenements, or Hereditaments, or of any Goods or Chattels, belonging or accruing to the Crown, the Proceeds whereof, or the Rents or Profits of which said Lands, Tenements, or Hereditaments, by any Act now in force or hereafter to be passed are to be carried to the Consolidated Fund of *Great Britain* and *Ireland*, or in respect of any Sum or Sums of Money due and owing to Her Majesty by virtue of any Vote of Parliament for the Service of the Crown, or of any Act of Parliament relating to the Public Revenue, Her Majesty's Attorney General, or in *Scotland* the Lord Advocate, shall be entitled to recover Costs for and on behalf of Her Majesty, where Judgment shall be given for the Crown, in the same Manner, and under the same Rules, Regulations, and Provisions, as are or may be in force touching the Payment or Receipt of Costs in Proceedings between Subject and Subject, and such Costs shall be paid into the Exchequer, and shall become Part of the Consolidated Fund.

Defendant entitled to

II. If in any such Information, Action, Suit, or other Proceeding

Costs, if successful against the Crown.

ceeding Judgment shall be given against the Crown, the Defendant or Defendants shall be entitled to recover Costs, in like Manner, and subject to the same Rules and Provisions, as though such Proceeding had been had between Subject and Subject; and it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to pay such Costs out of any Monies which may be hereafter voted by Parliament for that Purpose.

Power to Judges to make Rules and Orders for Regulation of Pleading and Practice in Crown Suits.

III. And whereas the Procedure and Practice in Informations, Suits, and other Proceedings instituted by or on behalf of the Crown in Her Majesty's Court of Exchequer is dilatory, and requires Amendment, and it is desirable that the same should be assimilated as nearly as may be to the Course of Practice and Procedure now in force in Actions and Suits between Subject and Subject: Be it enacted, That it shall be lawful for the Barons of Her Majesty's Court of Exchequer in *England*, or any Three of them, and also for the Barons of Her Majesty's Court of Exchequer in *Ireland*, or any Three of them, in their Respective Courts, to make all such General Rules and Orders for the Regulation of the Pleading and Practice in such Informations, Suits, and other Proceedings, and to frame such Writs and Forms of Proceedings, as to them may seem expedient for the Purpose aforesaid; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within Five Days after the next meeting thereof; and no such Rule, Order, or Regulation shall have Effect until Three Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulatian so made shall, from and after such Time aforesaid, be binding and obligatory on the said Court and on all Courts of Error into which any Judgment of the said Court shall be carried by any Writ of Error, and be of the like Force and Effect, as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the *London Gazette*, or for either of the Houses of Parliament, by any Resolution passed at any Time within Three Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the whole or any Part of such Rules, Orders, or Regulations, and in such Case the whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts, or on any other Court of Common Law or Court of Error.

CAP. XCI.

CAP. XCI.

An Act to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.—[14*th* August 1855.]

WHEREAS it is expedient to make Provision for facilitating the Erection and Maintenance of Lighthouses in the *British* Possessions abroad, and otherwise to amend the Merchant Shipping Act, 1854: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act. 17 & 18 Vict. c. 104.

I. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be Part of the Merchant Shipping Act, 1854, and shall be construed accordingly.

Colonial Lighthouses.

Her Majesty may by Order in Council fix Dues for Colonial Lighthouses.

II. In any Case in which any Lighthouse, Buoy, or Beacon has been or is hereafter erected or placed on or near the Coasts of any *British* Possession, by or with the Consent of the Legislative Authority of such Possession, Her Majesty may, by Order in Council, fix such Dues in respect thereof, to be paid by the Owner or Master of every Ship which passes the same or derives Benefit therefrom, as Her Majesty may deem reasonable, and may in like Manner from Time to Time increase, diminish, or repeal such Dues, and from the Time specified in such Order for the Commencement of the Dues thereby fixed, increased, or diminished the same shall be leviable throughout Her Majesty's Dominions in manner herein-after mentioned.

No such Dues to be levied in any Colony without the Consent of the Colonial Legislature.

III. No such Dues as aforesaid shall be levied in any Colony unless and until the Legislative Authority in such Colony has, either by Address to the Crown, or by an Act or Ordinance duly passed, signified its Opinion that the same ought to be levied in such Colony.

Mode of collecting the said Dues. 17 & 18 Vict. c. 104. ss. 399, 400, 401.

IV. The said Dues shall in the United Kingdom be collected by the same Persons by whom, and by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are collected, and shall in each *British* Possession abroad be collected by such Persons as the Governor of such Possession abroad may appoint for the Purpose, and shall be collected by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other Means, in such other Manner, and subject to such other Conditions as the Legislative Authority in such Possession may direct.

Dues to be paid over to Her Majesty's Paymaster General.

V. All Dues levied under this Act shall be paid over to Her Majesty's Paymaster General at such Times and in such Manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the Purposes herein-after mentioned, in such Manner as such Board may direct.

Dues to be applied to Expenses of Lighthouse, &c., for which they are levied.

VI. The Dues levied under the Authority of this Act in respect of any such Lighthouse, Buoy, or Beacon as aforesaid shall, after deducting any Expenses incurred in collecting the same, be applied for the Purpose of paying the Expenses incurred in erecting and maintaining such Lighthouse, Buoy, or Beacon, and for no other Purpose whatever.

Power to borrow Money on Security of Dues.

17 & 18 Vict. c. 104. ss. 424, 425, 426.

VII. For the Purpose of constructing or repairing any such Lighthouse, Buoy, or Beacon as aforesaid, the Board of Trade may raise, upon the Security of the Dues to be levied in respect thereof, such Sums of Money as they may deem fit; and the Commissioners of Her Majesty's Treasury, out of any Monies which may be provided by Parliament, the Public Works Loan Commissioners, or any other Person or Body of Persons, may advance the same accordingly, such Advances to be made in the same Manner, with the same Powers, and subject to the same Provisions, so far as Circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, Advances may be made upon the Security of the Mercantile Marine Fund for the Construction and Repair of Lighthouses in the United Kingdom.

Accounts for each Lighthouse, &c. to be kept, and laid before Parliament, and to be audited.

17 & 18 Vict. c. 104. s. 428.

VIII. Accounts shall be kept of all sums expended in the Construction, Repair or Maintenance of every Lighthouse, Buoy, or Beacon in the *British* Possessions abroad for which Dues are levied under the Authority of this Act, and of the Dues received in respect thereof, in such Manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said Accounts shall be audited in such Manner as Her Majesty may by Order in Council direct.

Registry of Ships.

PART II. of Merchant Shipping Act, 1854.

Penalty on false Declarations

IX. Any Person who, in any Declaration made in the presence of or produced to any Registrar of Shipping, in pursuance of the Second Part of the Merchant Shipping Act, 1854, or in any Documents or other Evidence produced to such Registrar, wilfully makes, or assists in making or procures to be made, any false Statement concerning the Title to or the Ownership of or the Interests existing in any Ship, or any Share or Shares in any Ship, or who utters, produces, or makes use of any Declaration or Document containing any such false Statement, knowing the same to be false, shall be guilty of a Misdemeanor.

under Part II. of Merchant Shipping Act. 17 & 18 Vict. c. 104. s. 103.

X. Shares in Ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the Word "Stock," as defined by the Trustee Act, 1850, and the Provisions of such last-mentioned Act shall be applicable to such Shares accordingly.

Shares in Shipping within the Trustee Act, 1850. 13 & 14 Vict. c. 60.

XI. In any Case in which any Bill of Sale, Mortgage, or other Instrument for the Disposal or Transfer of any Ship or any Share or Shares therein or of any Interest therein is made in any Form or contains any Particulars other than the Form and Particulars prescribed and approved for the Purpose by or in pursuance of the Merchant Shipping Act, 1854, no Registrar shall be required to record the same without the express Direction of the Commissioners of Her Majesty's Customs.

Forms of Instruments. 17 & 18 Vict. c. 104. s. 96.

XII. Upon the Transfer of the Registry of a Ship from one Port to another, the Certificate of Registry required by the Ninetieth Section of the Merchant Shipping Act, 1854, to be delivered up for that Purpose, may be delivered up to the Registrar of either of such Ports.

Delivery of Certificate upon Transfer of Registry. 17 & 18 Vict. c. 104. s. 90.

XIII. The Commissioners of Customs may, with the Consent of the Board of Trade, exempt any Pleasure Yacht from the Provision contained in the Thirty-fourth Section of the Merchant Shipping Act, 1854, which requires the Name of every Ship and the Port to which she belongs to be painted on her Stern.

Exemption of certain Ships from having Name painted on Stern. 17 & 18 Vict. c. 104. s. 34.

XIV. The Owner of any Ship which is measured under Rule II. contained in the Twenty-second Section of the Merchant Shipping Act, 1854, may at any subsequent Period apply to the Commissioners of Customs to have the said Ship remeasured under Rule I. contained in the Twenty-first Section of the same Act, and the said Commissioners may thereupon, and upon Payment of such Fee not exceeding Seven Shillings and Sixpence for each Transverse Section as they may authorize, direct the said Ship to be remeasured accordingly, and the Number denoting the Register Tonnage shall be altered accordingly.

Ships measured under Rule II. may be measured under Rule I. 17 & 18 Vict. c. 104. ss. 21 and 22.

XV. The Copy or Transcript of the Register of any *British* Ship which is kept by the Chief Registrar of Shipping at the Custom House in *London*, or by the Registrar General of Seamen, under the Direction of Her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same Effect to

General Register Books in London. 17 & 18 Vict. c. 104. s. 107

to all Intents and Purposes as the original Register of which the same is a Copy or Transcript.

Masters and Seamen.

PART III. of Merchant Shipping Act, 1854.

Extension of Provisions concerning the Relief of destitute Seamen.
17 & 18 Vict. c. 104. ss. 211, 212, and 213.

XVI. The Board of Trade may issue Instructions concerning the Relief to be administered to distressed Seamen and Apprentices, in pursuance of the Two hundred and eleventh and Two hundred and twelfth Sections of the Merchant Shipping Act, 1854, and may by such Instructions determine in what Cases, and under what Circumstances and Conditions such Relief is to be administered; and all Powers of recovering Expenses incurred with respect to distressed Seamen and Apprentices, which by the Two hundred and thirteenth Section of the said Act are given to the Board of Trade, shall extend to all Expenses incurred by any Foreign Government for the Purposes aforesaid, and repaid to such Government by her Majesty's Government, and shall likewise extend to any Expenses incurred by the conveying home such Seamen or Apprentices in Foreign as well as *British* Ships; and all Provisions concerning the Relief of distressed Seamen and Apprentices, being Subjects of Her Majesty, which are contained in the said Sections of the said Act, and in this Section, shall extend to such Seamen and Apprentices, not being Subjects of Her Majesty, as are reduced to Distress in Foreign Parts by reason of their having been shipwrecked, discharged, or left behind from any *British* Ship; subject nevertheless to such Modifications and Directions concerning the Cases in which Relief is to be given to such Foreigners, and the Country to which they are to be sent, as the Board of Trade may, under the Circumstances, think fit to make and issue.

Enactment concerning Savings Banks extended to Seamen in the Navy.
17 & 18 Vict. c. 104. s. 180.

XVII. The Enactment of the Merchant Shipping Act, 1854, relating to Savings Banks shall apply to all Seamen, and to their Wives and Families, whether such Seamen belong to the Royal Navy or to the Merchant Service, or to any other Sea Service.

Additional Powers of Naval Courts.
17 & 18 Vict. c. 104. ss. 260 to 266.

XVIII. Any Naval Court summoned, under the Provisions of the Merchant Shipping Act, 1854, to hear any Complaint touching the Conduct of the Master or any of the Crew of any Ship, shall, in addition to the Powers given to it by the said Act, have Power to try the said Master or any of the said Crew for any Offences against the Merchant Shipping Act, 1854, in respect of which Two Justices would, if the Case were tried in the United Kingdom, have Power to convict summarily, and by Order duly made to inflict the same Punishments for such Offences which Two Justices might in the Case aforesaid inflict upon summary Conviction; provided, that in Cases where an Offender is sentenced to Imprisonment the Sentence shall be confirmed in Writing by the Senior Naval or Consular Officer present at the Place where the Court is held, and the place of Imprisonment, whether on Land or on board Ship, shall be approved by him as a proper Place for the Purpose, and Copies of all Sentences made by any Naval Court summoned to hear any such Complaint as aforesaid shall be sent to the Commander-in-Chief or Senior Naval Officer of the Station.

Wrecks, Casualties, and Salvage.

Part VIII. of Merchant Shipping Act, 1854.

In case of Wreck of Foreign Ships, Consul General to be deemed Agent of Owner.

XIX. Whenever any Articles belonging to or forming Part of any Foreign Ship which has been wrecked on or near the Coasts of the United Kingdom, or belonging to or forming Part of the Cargo thereof, are found on or near such Coasts, or are brought into any Port in the United Kingdom, the Consul General of the Country to which such Ship, or, in the Case of Cargo, to which the Owners of such Cargo, may have belonged, or any Consular Officer of such Country authorized in that Behalf by any Treaty or Agreement with such Country, shall, in the absence of the Owner of such Ship or Articles, and of the Master or other Agent of the Owner, be deemed to be the Agent of the Owner, so far as relates to the Custody and Disposal of such Articles.

Remuneration for Services by Coast Guard.

XX. In Cases where Services are rendered by Officers or Men of the Coast Guard Service in watching or protecting shipwrecked Property, then, unless it can be shown that such Services have been declined by the Owner of such Property or his Agent at the Time they were tendered, or that Salvage has been claimed and awarded for such Services, the Owner of the Shipwrecked Property shall pay in respect of the said Services Remuneration according to a Scale to be fixed by the Board of Trade, so, however, that such Scale shall not exceed any Scale by which Payment to Officers and Men of the Coast Guard for extra Duties in the Ordinary Service of the Commissioners of Customs is for the Time being regulated; and such Remuneration shall be recoverable by the same Means and shall be paid to the same Persons and accounted for and applied in the same Manner as Fees received by Receivers appointed under the Merchant Shipping Act, 1854.

Legal Procedure.

Part X. of Merchant Shipping Act, 1854.

Jurisdiction in case of Offences on board Ship.

12 & 13 Vict. c. 96.

XXI. If any Person, being a *British* Subject, charged with having committed any Crime or Offence on board any *British* Ship on the High Seas or in any Foreign Port or Harbour, or if any Person, not being a *British* Subject, charged with having committed any Crime or Offence on board any *British* Ship on the High Seas, is found within the Jurisdiction of any Court of Justice in Her Majesty's Dominions which would have had Cognizance of such Crime or Offence if committed within the Limits of its ordinary Jurisdiction, such Court shall have Jurisdiction to hear and try the Case as if such Crime or Offence had been committed within such Limits: Provided, that nothing contained in this Section shall be construed to alter or interfere with the Act of the Thirteenth Year of Her present Majesty, Chapter Ninety-six.

Miscellaneous.

PART XI. of Merchant Shipping Act, 1854.

Relief of destitute Lascars.

XXII. It shall be the Duty of the *East India* Company to take charge of and send home or otherwise provide for all Persons, being Lascars or other Natives of the Territories under the Government of the said Company, who are found destitute in the United Kingdom; and if any such Person is relieved and maintained by any Guardians, Overseers, or other Persons administering the Relief of the Poor, such Overseers, Guardians, or other Persons may, by Letter sent through the Post or otherwise, give Notice thereof in Writing to the Secretary of the Court of Directors of the *East India* Company, specifying, so far as is practicable, the following Particulars: *viz.*,—

1. The Name of the Person so relieved or maintained:
2. The Presidency or District or Part of the Territories of the *East India* Company of which he professes to be a Native:
3. The Name of the Ship in which he was brought to the United Kingdom:
4. The Port or Place abroad from which such Ship sailed, and the Port or Place in the United Kingdom at which such Ship arrived, when he was so brought to the United Kingdom, and the Time of such arrival:

And the said *East India* Company shall repay to the said Overseers, Guardians, or other Persons, out of the Revenues of the said Company, all Monies duly expended by them in relieving or maintaining such destitute Person, after the Time at which such Notice aforesaid is sent or otherwise given.

Contracts may be made with Natives in India, under certain Conditions, binding them to go to the United Kingdom, and then to serve in other Ships back to India or elsewhere.

XXIII. It shall be lawful for any Master or Owner of a Ship or his Agent to enter into Agreements with Lascars or Natives of the Territories of the *East India* Company, binding them to proceed to any Port or Ports in the United Kingdom, either as Seamen or as Passengers, and there to enter into a further Agreement to serve as Seamen in any Ship which may happen to be there, and to be bound to any Port in the Territories of the *East India* Company; provided, that every such original Agreement shall be made in such Form, and shall contain such Provisions, and shall be executed in such Manner, and under such Conditions for securing the Return of such Lascars or Natives to their own Country, and for other Purposes, as the Governor General of *India* in Council, or the Governors of the respective Presidencies in which the original Agreement is made, in Council may direct; and if any Lascar or other Person who has bound himself by any such original

Agreement is, on arriving in the United Kingdom, required to enter into a further Agreement to serve as a Seaman in any Ship bound to any Port in the Territories of the *East India* Company, and if it is certified by some Officer appointed for that Purpose by the *East India* Company that such further Agreement is a proper Agreement in all respects for such Lascar or other Person to enter into, and is in accordance with the original Agreement, and that the Ship to which such further Agreement relates is in all respects a proper Ship for such Lascar or other Person to serve in, and that there is not, in the Opinion of such Officer, any Objection to the full Performance of the said original Agreement, such Lascar or other Person shall be deemed to be engaged under such further Agreement, and to serve as a Seaman in the Ship to which it relates, and shall thereupon be deemed to be for all Purposes One of the Crew of the Ship; and for every Lascar or other Person in respect of whom such Certificate is applied for, the Person applying for the same shall pay to such Officer as aforesaid such Fee as the *East India* Company may appoint, not exceeding Ten Shillings.

Saving of former Enactments.

4 Geo. 4. c. 80. ss. 25 to 34. 17 & 18 Vict. c. 120. s. 16.

XXIV. Nothing herein contained shall be deemed to repeal or affect any Provisions contained in the Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, or Thirty-fourth Sections of the Act of the Fourth Year of King *George* the Fourth, Chapter Eighty, or in the Sixteenth Section of the Act of the Eighteenth Year of Her present Majesty, Chapter One hundred and twenty.

CAP. XCII.

An Act for appropriating the Corps of the Prebend or Portion of Netherhall Ledbury *in the Diocese and County of* Hereford, *and for constituting the Living of* Ledbury *a Rectory with Cure of Souls, and for augmenting the Endowments thereof.*—[14*th* August 1855.]

CAP. XCIII.

CAP. XCIII.

An Act to amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, *and* Malacca, *and to the Supreme Courts of Judicature in* India.—[14*th* August 1855.]

CAP. XCIV.

An Act to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise.—[14*th* August 1855.]

WHEREAS it is expedient to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom, and to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks of Excise now payable on such Spirits and Sugar and Molasses respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On and after October 1, 1855, the following Duties of

1. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, for and upon every Gallon of Spirits of the Strength of Hydrometer Proof which, on or after the First Day of *October* One thousand eight hun-

dred and fifty-five, shall be distilled within the United Kingdom, or be in the Stock, Custody, or Possession of any Distiller, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled within the United Kingdom, shall on or after the said Day be in Warehouse, and be taken out of Warehouse for Consumption within the United Kingdom, the respective Rates and Duties following; that is to say,

Excise to be paid on Spirits distilled in Great Britain and Ireland.

	£	s.	d.
In *Great Britain* - -	0	8	0
In *Ireland* - - -	0	6	2

and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity, in lieu of all other Duties of Excise on such Spirits chargeable under any Act in force.

II. The said Duties by this Act granted shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, collected, and paid in like Manner and by the same Ways and Methods by which other Duties of Excise on Spirits are or may be charged, collected, and paid; and all Powers, Provisions, Clauses, Regulations, and Directions, Forfeitures, Pains, and Penalties, contained in or imposed or made by or under the Authority of any Act relating to Duties of Excise, and in force at the Time of the passing of this Act, shall respectively extend, so far as the same are applicable, to the said Duties by this Act granted, and shall be observed, applied, enforced, and put in execution for collecting and securing of the said last-mentioned Duties, and otherwise in relation thereto (except so far as the same are altered or superseded by the Provisions of this Act), as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the said Duties by this Act granted.

Duties to be under the Management of the Commissioners of Inland Revenue, and to be collected under the Provisions of Acts in force relating to Excise.

III. And there shall be allowed and paid to the Distiller or Proprietor of all Spirits which, having been distilled within the United Kingdom from Wort or Wash made before the First Day of *October* One thousand eight hundred and fifty-five, shall on or after the said last-mentioned Day be in the Stock of any Distiller or in Warehouse, the several Allowances and Drawbacks of Excise following; that is to say, for and upon every Gallon of such last-mentioned Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity, or any greater or less Degree of Strength, if such Spirits shall have been distilled from Malt only, under the Provisions and Regulations entitling the Distiller to the Allowance in that Behalf, the Allowance of Eightpence *per* Gallon; and if such Spirits shall have been distilled from any other Materials than Malt only, or otherwise than

Allowances on Spirits in Distillers Stock or in Warehouse.

than in conformity with such Provisions and Regulations, the Allowance of Twopence *per* Gallon.

Former Allowances in respect of Malt and on Sugar used in distilling to cease.

IV. On and after the First Day of *October* One thousand eight hundred and fifty-five all Allowances and Drawbacks of Excise granted by any former Act for or upon Spirits distilled in any Part of the United Kingdom, in respect of the Malt or other Materials used in making such Spirits, and for or upon Sugar and Molasses used in the Distillation of Spirits, shall respectively cease and determine, save and except as to Spirits distilled from Wort or Wash made before the said First Day of *October*.

Malt may be made and used free from Duty in distilling Spirits.

V. And from and after the passing of this Act it shall be lawful for any Distiller, or for any other Person who shall give such Security as herein-after required in that Behalf, such Distiller or other Person taking out a proper Licence as a Maltster, to make Malt, under the Provisions of this Act, in a Malthouse approved by the Commissioners of Inland Revenue, for the sole Purpose of being consumed, on or after the First Day of *October* One thousand eight hundred and fifty-five, in the distilling of Spirits; and all Malt which shall be so made by a Distiller and consumed in his Distillery, and all Malt which shall be made by such other Person, and delivered into the Storeroom of a Distiller at his Distillery, shall respectively be free from the Duties of Excise chargeable on Malt: Provided always, that the Provisions, Regulations, Penalties, and Forfeitures contained in the several Acts of Parliament and now in force in relation to Maltsters, or the making of Malt, shall (except so far as the same are repealed, altered, or superseded by the express Provisions of this Act,) be observed, applied, and enforced with respect to Distillers or other Persons making Malt, and to the making of Malt, under the Provisions and Regulations of this Act.

Special Entry to be made of Malthouse.

VI. Every Malthouse to be used for the making of Malt under the Provisions of this Act shall be specially entered for that Purpose, and no such Entry shall be withdrawn whilst any Malt or any Corn or Grain making into Malt shall be in such Malthouse, or in any Storeroom belonging thereto.

Persons other than Distillers making Duty-free Malt to give Security against Frauds.

VII. Every Person, other than a Distiller, who shall intend to make Malt Duty-free, under the Provisions of this Act, shall enter into a Bond to Her Majesty, with Two or more sufficient Sureties, to the Satisfaction of the Commissioners of Inland Revenue, and in such Sum as the said Commissioners shall think proper, conditioned to the Purport or Effect following; (that is to say,) that such Maltster shall duly make into Malt all Corn and Grain which shall be received into any such Malthouse as aforesaid belonging to him, and shall not sell any such Malt to any other Person than a Distiller, or take, send out, remove, or deliver from any such Malthouse as aforesaid any Malt, or Corn or Grain, except Malt duly removed to a Distillery under a Permit duly granted in that Behalf, and shall not convey away, hide, or conceal any Malt, or Corn or Grain, contrary to any of the Provisions of this Act or of any Act in force in relation to Maltsters or the making of Malt; and the Condition of such Bond shall also contain all such further Terms and Stipulations as the Commissioners of Inland Revenue shall deem to be necessary or proper for preventing Frauds in relation to the Malt to be made by such Maltster; and such Maltster shall give a fresh Bond, with such Sureties as aforesaid, when and as often as he shall be required so to do by the said Commissioners, and in default thereof he shall not be entitled to make Malt Duty-free, under the Provisions of this Act.

Malt may be removed for Exportation.

VIII. Provided always, That it shall be lawful for any Maltster to remove Malt from any such Malthouse for Exportation under such Regulations as the Commissioners of Inland Revenue shall make in that Behalf.

Distillers on giving Security to have Duty-free Sugar and Molasses delivered to them, to be used in the distilling of Spirits.

IX. And from and after the Fifteenth Day of *September* One thousand eight hundred and fifty-five every Distiller who shall have given Security by Bond to Her Majesty, with Sureties to the Satisfaction of the Commissioners of Customs or Excise, in the Manner and for the Purpose herein-after mentioned, shall be entitled to remove, on such Terms and Conditions and in such Manner as the said last-mentioned Commissioners shall think fit, Sugar and Molasses, without previously paying the Duties of Customs or Excise thereon, from any Customs or Excise Warehouse in which the same may be deposited to the proper Storeroom at his Distillery provided for Sugar and Molasses, pursuant to the Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter One hundred, for the sole Purpose of being consumed on or after the First Day of *October* One thousand eight hundred and fifty-five, in the distilling of Spirits in his Distillery; and all such Sugar and Molasses which shall be so consumed shall be free from the Duties of Customs or Excise: Provided always, that the Provisions, Regulations, Penalties, and Forfeitures contained in the said last-mentioned Act in relation to Sugar and Molasses on which the Duties of Customs or Excise have been paid shall be observed, applied, and enforced respectively in relation to Sugar and Molasses to be removed as aforesaid, under the Provisions of this Act, without the previous Payment of the said Duties.

X. Every

Distiller to give Bond, with Sureties, conditioned to secure the due Consumption of Duty-free Sugar and Molasses in the distilling of Spirits.

X. Every Distiller who shall intend to use Sugar or Molasses Duty-free in the distilling of Spirits, under the Provisions of this Act, shall enter into a Bond to Her Majesty, with Two or more sufficient Sureties to the Satisfaction of the Commissioners of Customs or Excise, and in such Sum as the said last-mentioned Commissioners shall think proper, conditioned to the Purport or Effect following: that is to say, that all Sugar and Molasses which shall be from Time to Time delivered to him from any Warehouse without Payment of the Duties of Customs or Excise thereon shall be forthwith duly conveyed to and deposited in a Storeroom for Sugar and Molasses provided at his Distillery, pursuant to the said Act of the Eleventh and Twelfth Years of Her Majesty's Reign, and that all such Sugar and Molasses shall from Time to Time, within the Space of One Calendar Month next after the Delivery thereof from any such Warehouse, be used and consumed by such Distiller solely in the distilling of Spirits in his Distillery; and the Condition of every such Bond shall also contain all such further Terms and Stipulations as the Commissioners of Customs or Excise shall deem to be necessary or proper for preventing Frauds in relation to the Use or Disposal of Sugar or Molasses delivered Duty-free under the Provisions of this Act; and the Distiller shall give a fresh Bond, with such Sureties as aforesaid, when and as often as he shall be required so to do by the said last-mentioned Commissioners, and in default thereof he shall not be entitled to have Sugar or Molasses Duty-free under the Provisions of this Act.

Distiller and Maltster to make Entry of his Malthouse, and to provide a Kiln adapted for securing the Malt whilst drying.

XI. Every Distiller and Maltster respectively who shall make Malt to be consumed as aforesaid Duty-free shall make due Entry of every Malthouse in which he shall make such Malt as a Place to be used for that Purpose only, and shall provide therein a proper and secure Kiln, approved in Writing by the proper Collector and Supervisor of the District, and to be entered and used for the drying of such Malt, and for securing the same during the Process of drying, and until it shall be removed from such Kiln in the Manner herein directed; and such Kiln shall at all Times be kept locked up by the Officer, who shall not be required to unlock or open the same, except upon Notice in Writing to be given to him on behalf of the Distiller or Maltster, and for a reasonable and proper Object, to be specified in such Notice: Provided always, that it shall be lawful for any such Distiller or Maltster to use such Kiln for the drying of Barley, under such Regulations and Restrictions as the Commissioners of Inland Revenue may make in that Behalf.

Distillers to make

XII. Provided always, That every Distiller who shall have or make use of any Kiln for the drying of Barley or other Corn or Grain, wheresoever such Kiln may be situated, and although the same may not be used for the drying of Malt, shall make Entry of such Kiln with the proper Officer of Excise as a Building or Place used by such Distiller in carrying on his Trade or Business, under the Penalty imposed by Law in that Behalf for any Neglect or Omission to make such Entry.

Entry of Kilns used for drying Barley or other Corn or Grain.

If Malthouse more than a Mile from a Market Town, Distiller or Maltster to provide Lodgings for the Officer.

XIII. If any such Malthouse as aforesaid shall be situated at a greater Distance than One Mile by the nearest Highway from a Market Town, the Distiller or Maltster shall provide (if required so to do by the Commissioners of Inland Revenue) a House or Lodgings or Rooms fit and proper for the Residence of the Officer having the Survey of such Malthouse, the same to be situated within the Distance aforesaid from such Malthouse, and to be approved by the said Commissioners, and at a reasonable Cost or Rent, not exceeding Ten Pounds a Year, to be paid by such Officer for the same: Provided always, that such House, Lodgings, or Rooms shall not form any Part of the Dwelling House, Residence, Distillery, or Malthouse of such Distiller or Maltster.

Secure Rooms to be provided for the Purposes herein expressed; viz.,

XIV. Every Distiller and every such Maltster as aforesaid shall also provide safe and secure Rooms, approved in Writing by the proper Collector and Supervisor of the District, and to be entered and used by such Distiller and Maltster respectively for the several Purposes herein-after expressed; (that is to say,) a Room at the Malthouse of such Distiller or Maltster to be entered and used as a Storeroom for depositing Malt therein immediately on the Removal thereof from the Kiln, and such Room shall be so situated with respect to such Kiln as that the Officer attending the Removal of Malt from the Kiln shall be enabled at One View to see the same taken from the Kiln and carried directly into such Storeroom, or if the Situation of such Storeroom will not admit of such View, then the Communication between the Kiln and the Storeroom shall be by an enclosed and covered Passage having no other Communication, or otherwise the Removal of all such Malt from the Kiln to the Storeroom shall be ensured to the Satisfaction of the Commissioners of Inland Revenue by such Ways and Means as they shall require or approve of, to be adopted by or at the Expense of the Distiller or Maltster; and if such Storeroom shall not be at the Distillery of the Person making such Malt, then the Distiller shall also provide a Room at his Distillery, to be entered and used by him as a Storeroom for depositing Malt therein, on the Removal thereof from the Malthouse to the Distillery, previously to the grinding of such Malt; and every Distiller shall also provide a Room at his Distillery, to be

a Storeroom at the Malthouse for the Deposit of Malt on Removal from the Kiln;

a Storeroom at the Distillery for Malt on Removal from the Malthouse;

called

also a Millroom at the Distillery for grinding Malt.

called the Millroom, and to be entered and used by him for the grinding of Malt therein; and all Malt to be used in the Distillery shall be ground by Metal Rollers only; and the Removal of such Malt to and from such Millroom, and the grinding thereof, and the depositing and securing of the same afterwards, shall be under and subject to such Rules and Regulations as the Commissioners of Inland Revenue may from Time to Time make in that Behalf; and all such Rooms so to be provided as aforesaid shall be properly secured to the Satisfaction of the said Collector and Supervisor, and shall be at all Times kept locked by the proper Officer of Excise, and neither the Distiller nor Maltster nor their respective Servants or Workmen shall be admitted therein, except upon due Notice in Writing given to such Officer, in the Manner and for the Purposes directed by this Act.

All such Rooms to be properly secured.

All Fastenings (except Locks) for the Security of Kilns and other Rooms to be provided at the Expense of the Distiller.

XV. Wherever any Kiln, Room, or Place is by this Act directed to be kept locked or secured by the Officer of Excise, all fit and proper Fastenings (except Locks) for the Purpose of enabling such Officer to affix Locks thereto, or otherwise to secure such Kiln, Room, or Place, shall be provided and affixed, and renewed from Time to Time, by the Distiller or Maltster, to the Satisfaction of the proper Collector and Supervisor for the Time being, or otherwise such Collector or Supervisor shall provide and affix or renew such Fastenings, at the Expense of such Distiller or Maltster; and if any Distiller or Maltster shall neglect or refuse to pay to such Collector or Supervisor the Cost or Expense incurred by him in providing, affixing, or renewing any such Fastening, such Distiller or Maltster shall forfeit the Sum of One Hundred Pounds; and if such Distiller or Maltster, or his Servant or Workman, shall wilfully destroy, damage, or injure any such Fastening as aforesaid, by whomsoever provided or affixed, or any Lock or Key belonging thereto, or shall by any Means open, take off, or remove any such Lock or Fastening, or make any Way or Entrance or improperly gain Access or Admittance into any such Kiln, Room, or Place, such Distiller or Maltster shall for every such Offence, whether committed by himself or his Servant or Workman, forfeit the Sum of Two Hundred Pounds.

Penalty for refusing to defray such Expense, or for removing or damaging Locks or Fastenings.

Commissioners may revoke Approval of Malthouse Kiln, or Storerooms, and require Alterations.

XVI. It shall be lawful for the Commissioners of Inland Revenue at any Time to revoke the Approval of any Malthouse, Kiln, Storeroom, or Millroom, or the Mode of Communication between any Kiln and Storeroom provided under this Act, which may have been approved of either by the said Commissioners or by the Collector and Supervisor of Excise, or either of them, and to require the Distiller or Maltster to provide another proper and secure Malthouse, Kiln, or Room in lieu thereof, or to make any Alteration therein, to the Satisfaction of the said Commissioners; and in case of the Refusal or Neglect of the Distiller or Maltster to comply with any Requisition of the said Commissioners in that Behalf, all Malt of such Distiller or Maltster then being at his Malthouse or Distillery, and all Malt thereafter made by him, until he shall so comply, shall be charged with the proper Duty of Excise on Malt, and the Amount of such Duty shall be paid to the proper Collector immediately after the Charge thereof shall have been made.

or additional Fastenings.

XVII. In respect of all Corn or Grain in process of making into Malt in any such Malthouse as aforesaid, the Allowance to be made upon the Gauges thereof during the Time that the same shall be in the Cistern, or in the Couch Frame, whilst directed by Law to be deemed and gauged as in Couch, shall be at the Rate of Seventeen Bushels only for every One hundred Bushels of the whole Quantity of the Corn or Grain so found by such Gauge.

Allowance on Cistern or Couch Gauges to be 17 per Cent.

XVIII. Every Distiller and Maltster who shall make Malt under the Provisions of this Act shall give Six Hours Notice in Writing to the proper Officer of Excise of the Day and the particular Hour when he shall intend to place any Grain upon the Kiln, and shall specify in such Notice the Floor of Corn or Grain, and the particular Portion thereof, whether the whole or the First or Second Portion, intended to be placed on the Kiln, and for this Purpose no Floor shall be divided into more than Two Portions; and the Officer shall attend pursuant to such Notice, and unlock the Door of the Kiln, and permit the loading thereof with Grain, conformably with such Notice: Provided always, that the loading of the Kiln shall not take place at any other Time than between the Hours of Five o'Clock in the Morning and Seven o'Clock in the Evening, and that such loading shall be completed within the Space of Two Hours from the Time specified in such Notice; and in default thereof the Door of the Kiln shall be again locked by the Officer.

Distiller, &c. to give Notice to Officer to attend, when it is intended to load the Kiln.

XIX. Immediately after the loading of the Kiln, the Officer shall again lock up and secure the same, but during the Time that any Grain shall be upon the Kiln the Officer shall attend and admit the Workmen into the Kiln, for the Purpose of turning or stirring such Grain, from Time to Time and at such Times as shall be specified in any Notice in Writing which may be given to him for that Purpose, on behalf of the Distiller or Maltster, Six Hours at the least before the Attendance of such Officer shall be required for the Purpose aforesaid: Provided always, that the Officer shall not be required to unlock

Officer to admit the Workmen into the Kiln to stir the Grain from Time to Time, pursuant to Notice.

lock the Kiln oftener than Four Times in any One Day, nor at any Time between the Hours of Nine o'Clock in the Evening and Five o'Clock in the Morning, or to allow the Kiln to remain open or unlocked, for the Purpose aforesaid, for a greater Length of Time than Half an Hour on any One Occasion.

Notice to be given for Removal of Malt from the Kiln.

XX. Every such Distiller and Maltster respectively shall give to the proper Officer Twelve Hours Notice in Writing of the Day, and particular Hour of the Day, not earlier than Five o'Clock in the Morning nor later than Seven o'Clock in the Evening, when such Distiller or Maltster shall intend to remove the Malt from the Kiln; and the Officer shall attend according to such Notice, and the Malt shall be forthwith measured in his Presence, and from the Quantity of Malt found according to such measuring a Deduction shall be made at the Rate of Five *per Centum* for Heat, Commings or Roots, and the unclean State of such Malt; and if the Quantity after such Deduction shall prove to be less than the Quantity which was given by the highest Gauge of the Grain whilst in the Process of making into Malt, deducting the proper Allowance in that Behalf, the Deficiency shall be charged with the Duty of Excise on Malt, and the Distiller or Maltster shall forthwith pay the Amount of such Duty to the proper Collector of Excise; and all the Malt upon the Kiln after having been so measured, shall be removed therefrom, and carried, in the Presence of the Officer, directly into the Storeroom to be provided and entered by the Distiller or Maltster for that Purpose as aforesaid, and shall be locked up and secured therein by such Officer: Provided always, that it shall be lawful for the Distiller or Maltster, if he shall think fit, to screen such Malt on the Kiln before the same shall be measured, and if the same shall be so screened then no Deduction shall be made from the Quantity found by such measuring, and the Distiller or Maltster shall be charged with Duty in respect of so much only as the actual Quantity so found shall be deficient of the Quantity given by such highest Gauge as aforesaid.

Malt to be measured and Deficiency charged with Duty.

Removal of Malt from the Storeroom at the Malthouse to the Storeroom at the Distillery.

XXI. When the Distiller or Maltster shall desire to remove any Malt from the Storeroom at his Malthouse to the Storeroom at a Distillery, he shall give Twelve Hours Notice in Writing to the proper Officer of Excise of the Time when and the Rooms and Places to and from which he intends to remove such Malt, and the Quantity thereof which he intends to remove; and such Officer shall attend pursuant to such Notice at the Storeroom from which such Malt is to be removed, to unlock the Door thereof, and see measured or weighed out therefrom the Quantity of Malt expressed in such Notice; and such Officer may take Samples of the Malt to be removed, and shall grant a Permit for the Removal of such Malt from and to the several Storerooms expressed in such Notice; and there shall be expressed in such Permit the Time for which the same shall be in force, such Time being a reasonable and sufficient Time for such Removal, and also the Measure or Weight of such Malt; and if such Distiller or Maltster shall not duly remove all such Malt, and deposit the same, according to the Terms of such Permit, or shall remove the same or any Part thereof to any other Place than that expressed in such Permit as the Place to which such Malt is to be removed, or if the Weight of the Malt deposited in such last-mentioned Place shall differ by more than Two and a Half *per Centum*, or if the Measure thereof shall differ by more than Five *per Centum*, from the Weight or Measure of Malt expressed in such Permit, such Distiller or Maltster shall forfeit the Sum of Two hundred Pounds, and all such Malt shall be forfeited, and may be seized by any Officer of Excise; and if any such Malt shall be found removing or removed without being or having been accompanied by a Permit duly granted, or accompanied by a Permit expired or out of Force, or which shall not agree with the Time or Manner of the Removal of such Malt, or in which the Weight or Measure of Malt authorized to be removed shall differ more than after the respective Rates aforesaid from the Weight or Measure of the Malt removing or removed under Colour thereof, all such Malt shall also be forfeited, and may be seized by any Officer of Excise.

XXII. All Malt intended to be removed from a Storeroom at the Malthouse to a Storeroom at the Distillery shall be contained in Sacks, and each Sack shall contain the exact Quantity of Four Bushels of Malt by Measure, or One hundred and sixty-eight Pounds by Weight, secured therein in such Manner as the Commissioners of Inland Revenue may direct.

Malt to be removed from Malthouse to Distillery in Sacks containing Four Bushels or 168 Pounds each.

XXIII. And when the Distiller shall desire to remove any Malt from the Storeroom at his Distillery to the Millroom, for the Purpose of being ground, he shall give Twelve Hours Notice in Writing to the proper Officer of Excise, specifying in such Notice the Quantity of Malt intended to be so removed; and the Officer shall attend in pursuance of such Notice, and see measured or weighed the Quantity of Malt specified in such Notice, and such Malt shall be forthwith conveyed, in the Presence of the Officer, into the Millroom, and be there locked up and secured by the Officer; and before the Removal of any Malt, after the grinding thereof, to the Mash Tun, the Distiller shall give to the proper Officer Four Hours previous

Twelve Hours Notice to be given for Removal of Malt from the Storeroom to the Millroom.

Four Hours Notice for Removal of Malt to the Mash Tun.

previous Notice in Writing, specifying the Quantity thereof to be mashed, and the Officer shall attend accordingly and deliver out such Malt, and the same shall be forthwith mashed in his Presence.

Distillers and Maltster to enter in Books Particulars of Malt received into and removed from their Storerooms.

XXIV. Books prepared with proper Columns for such Purposes as herein-after mentioned shall be delivered by the proper Officer of Excise to every Distiller and to every such Maltster, to be kept by them respectively at every such Storeroom as aforesaid, and whenever any Malt shall be received into or removed from any such Storeroom, the Distiller or Maltster shall enter in such Book as aforesaid, and in the proper Columns prepared for the Purpose, the Quantity of Malt, in Bushels, or in Pounds Weight, if the same shall be weighed, received into or removed from the Storeroom, and in the Case of Malt removed the Number of Sacks or the Weight of the Malt contained therein, if the same shall be weighed; and he shall also enter in such Book the particular Day and Hour of the Day when any such Malt was received into or removed from the Storeroom, and the particular Place from or to which the same was received or removed; and if any Distiller or any such Maltster as aforesaid shall not keep such Book as aforesaid, or shall not write and truly make therein all such Entries as aforesaid, or shall make any false Entry therein, or cancel, obliterate, or destroy or alter any Entry therein, or shall not deliver up any such Book to any Officer of Excise demanding the same, or shall refuse to permit such Officer to make any Minute therein, or to take any Extract therefrom, or shall conceal or convey away the same, or destroy or tear out any Leaf therefrom, such Distiller or Maltster shall for every such Offence forfeit the Sum of One hundred Pounds.

Malt remaining in Storeroom to be measured, and a Balance to be struck of Account of Malt received and delivered; if a Deficiency, Duty to be charged on the Quantity;

XXV. From Time to Time, when and as often as the Officer of Excise shall deem it to be necessary or proper, and at least once in every Year, the Stock of Malt remaining in any such Storeroom as aforesaid shall be measured or weighed in the Presence of the Officer, and a Balance shall be struck of the Account of Malt received into and delivered out of such Storeroom; and if the Quantity of Malt then remaining in such Storeroom, according to such measuring or weighing, shall be deficient by more than Three *per Centum* by Measure, or One *per Centum* by Weight, (computed as herein-after mentioned,) of the Quantity which, according to the Balance of such Account, ought to be found therein, the Distiller or Maltster shall be charged with the Duty of Excise on Malt for the whole Quantity deficient; and if at any Time the whole of the Malt shall be removed from any such Storeroom, and upon striking such Balance there shall appear to be any such Deficiency exceeding the Rate aforesaid, the Distiller or Maltster shall also be charged with the said Duty on the whole of such Deficiency, and in every such Case as aforesaid the Distiller or Maltster shall forthwith pay the Amount of the Duty so charged upon him to the proper Collector of Excise; and if at any Time, upon striking such Balance as aforesaid, there shall be found in any such Storeroom a Quantity of Malt exceeding by more than Three *per Centum* the Quantity which, according to the Balance of such Account, ought to be found therein, the whole Quantity of such Excess shall be forfeited, and may be seized by any Officer of Excise; and on the striking of such Balance as aforesaid the said respective Rates *per Centum* shall be computed and allowed on the whole Quantity of Malt received into the Storeroom, since the First Entry and Use thereof as such Storeroom, if there shall have been no previous Stock-taking, or on the whole Quantity received since the last Stock-taking, and also on the Quantity then remaining in such Storeroom, as the Case may be; and for the Purpose of charging the Duty on any such Deficiency as aforesaid, where the Stock Account of Malt in any such Storeroom shall be kept by Weight, Forty Pounds Weight of Malt shall be deemed to be equal to a Bushel of Malt, and the Duty of Excise chargeable on a Bushel of Malt shall be charged accordingly on every Forty Pounds Weight of the Quantity of Malt deficient.

if an Excess, the same to be forfeited.

XXVI. In all Cases where Malt in any Storeroom, or on the Removal thereof to or from any Storeroom, is by this Act directed to be measured or weighed, it shall be lawful for the Commissioners of Inland Revenue, by any order or Regulation from Time to Time by them in that Behalf made, to determine and direct that such Malt shall be either measured or weighed or both measured and weighed, and that any Account thereof shall be taken and kept either by Measure or Weight, as the said last-mentioned Commissioners shall think fit.

Malt to be either measured or weighed, or both, as the Commissioners may order.

XXVII. Every Distiller and every such Maltster as aforesaid shall provide and keep at his Malthouse and also at his Distillery, and in such proper and convenient Place therein respectively as the Supervisor of Excise shall approve, a correct Bushel Measure, and also just and true Scales and Weights, properly adapted for the weighing of Malt in Sacks, and shall permit any Officer of Excise to use such Measure and Scales and Weights for the Purpose of measuring, weighing, and taking an Account of all or any Malt in the Possession of such Distiller or Maltster; and every such Distiller and Maltster respectively, with his Servants and Workmen, shall, whenever thereto required by any Officer of Excise, measure and weigh, and aid and assist the Officer in measuring and weighing and taking

Distiller and Maltster to provide a correct Bushel Measure and Scales and Weight;

and assist Officer in measuring and weighing Malt.

taking Account of such Malt as aforesaid; and if any Distiller or any such Maltster as aforesaid shall refuse or neglect to provide and keep such Bushel Measure, or to provide and keep such Scales and Weights, in such Place as aforesaid, or shall refuse to permit any Officer of Excise to use the same, or refuse or neglect, whenever thereto required as aforesaid, with his Servants or Workmen, to measure or weigh any such Malt, or to aid and assist the Officer in measuring or weighing and taking Account of the same as aforesaid, such Distiller or Maltster shall for every such Offence forfeit the Sum of One hundred Pounds; and if any Measure which shall be provided or kept by such Distiller or Maltster at his Malthouse or Distillery as or for such Bushel Measure as aforesaid shall not be a true and correct Bushel Measure, or if any Scales or Weight which shall be so provided or kept as aforesaid shall be false or unjust, or if any Distiller or Maltster shall use or cause or permit or suffer to be used any false, unjust, or insufficient Measure, Scales, or Weight in the measuring or weighing of any Malt by or on the Requisition of any Officer of Excise, or shall practise any Art, Device, or Contrivance by which any Officer may be hindered or prevented from taking the just and true Quantity, Measure, or Weight of any Malt, such Distiller or Maltster shall forfeit the Sum of Two hundred Pounds for every such Offence; and all false, unjust, or insufficient Measures, Scales, and Weights respectively shall be forfeited, and may be seized and taken away by any Officer of Excise.

Distiller to deliver an Account of the Malt, Sugar, and Molasses used in every distilling Period, verified by Declaration.

XXVIII. Every Distiller shall at the End of every distilling Period deliver to the proper Officer an Account in Writing of the Number of Bushels of Malt, and the true Quantity of Sugar and Molasses, (specifying the same and the Quantities thereof respectively,) actually used in making the Wort or Wash distilled during such Period; and the Officer shall transmit such Account, together with a Return in Writing signed by him, to the Collector of Excise, specifying the Number of Bushels of Malt, and the Quantities of Sugar and Molasses respectively so used, and the Quantity of Proof Spirits with which such Distiller shall have been charged in respect of such Wort or Wash; and the Distiller or the principal Manager of his Distillery shall make and subscribe a Declaration to the Truth of such Account in the Form or to the Effect following:

'I *A.B.*, Distiller [*or* Principal Manager, *as the Case may*
'*be*,] of the Distillery at do solemnly
'declare, That within the Brewing Period commening on the
' Day of and ending on the
' Day of both inclusive, there
'were

'were actually mashed and used in the said Distillery, and 'consumed in the distilling of Spirits therein, the several 'Quantities of Malt and of Sugar and Molasses respectively 'herein-after specified, and no more; (that is to say,)
'Bushels of Malt, Pounds of Sugar, and
' Pounds of Molasses [*or as the Case may be*];
'and all this I declare to the best of my Knowledge and 'Belief, and according to the best Information in my Power 'to obtain.'

And in default of such Declaration being made, or if any such Declaration shall be untrue, the Distiller shall forfeit the Sum of Two hundred Pounds.

Distillers and Maltsters to designate their Malthouses by painting certain Words on the principal Entrance.

XXIX. Every Distiller or other Person who shall make Malt under the Provisions of this Act shall paint or place and fix in Letters distinctly legible, Three Inches at the least in Height, and of a proper and proportionate Breadth, conspicuously upon the principal Gate, Door, or Entrance of his Malthouse, his Christian and Surname, together with the Words "Entered to make Malt to be used in distilling Spirits only," and shall preserve and keep the same so painted or placed and fixed, and shall repaint and renew the same as often as Occasion shall require, upon pain of forfeiting the Sum of Twenty Pounds for any Refusal or Neglect to comply in any Particular with the several Directions aforesaid in this Clause contained.

Penalty on Neglect.

Distillers prohibited from selling Malt, Sugar, or Molasses.

XXX. It shall not be lawful for any Distiller to sell any Malt, Sugar, or Molasses, or to send out or deliver any Malt, Sugar, or Molasses from any Malthouse, Distillery, or other Premises belonging to him; and every Person who shall knowingly buy any Malt, Sugar, or Molasses from a Distiller, or who shall take or receive any Malt, Sugar, or Molasses from a Distillery or any Malt from any Malthouse or Premises on the principal or outer Gate whereof the words "Entered to make Malt to be used in distilling Spirits only" shall be painted, fixed, or placed, shall forfeit the Sum of One hundred Pounds; and if any Distiller shall sell any Malt, Sugar, or Molasses, or take or send out or remove any Malt from his Malthouse (except Malt duly removed therefrom to his Distillery under a Permit granted in that Behalf), or take or send out or remove any Malt, Sugar, or Molasses from his Distillery, or if any Distiller shall not use all Corn or Grain received at his Malthouse by making the same into Malt, and consume all such Malt in his Distillery, or shall convey away, hide, or conceal any Malt, or Corn, or Grain, or any Sugar or Molasses, such Distiller shall for every such Offence forfeit the Sum of Two hundred Pounds; and all Malt, Sugar, and Molasses which shall

Penalty.

shall be found in any Distillery or the Premises belonging thereto, otherwise than in the proper Storeroom or Millroom, or in the Mash Tun, or being duly removed to or from any such Places in the Manner directed or allowed by this Act, shall be deemed to be conveyed away, hidden, and concealed by the Distiller, and shall subject him to the said Penalty in that Behalf; and all Malt, Corn, and Grain, and all Sugar and Molasses, which shall be respectively sold, sent out, delivered, or received, or conveyed away, hidden, or concealed, contrary to any of the Provisions of this Act, shall be forfeited, and may be seized by any Officer of Excise.

Commissioners may revoke the Licence of a Distiller or Maltster on a Second Conviction of certain specified Offences.

XXXI. And if any Distiller shall be convicted of any of the several Offences specified in the last preceding Clause of this Act, and shall afterwards be again convicted either of the like Offence or of any other of the said several Offences specified as aforesaid, or if after Judgment shall be obtained against any Maltster upon the Bond entered into by him under the Provisions of this Act, by reason of any Breach of the Condition thereof, he shall do any Act which shall be a Breach of the Condition of any such Bond subsequently entered into by him, and by reason thereof Judgment shall be obtained against him upon such last-mentioned Bond, it shall be lawful for the Commissioners of Inland Revenue, and they are hereby empowered, to revoke and annul the Licence granted to such Distiller or Maltster, as the Case may be, and to refuse to grant to him any further Licence, either as a Distiller or a Maltster, at any Time thereafter, and also to refuse to grant during the Space of One Year any such Licence to any other Person to exercise the like Trade or Business at the same Premises where the Act or Offence which shall be the Ground of such Second Conviction or Judgment as aforesaid was done or committed.

Persons found unlawfully removing Malt from a Distiller's Malthouse or a Distillery may be arrested and taken before a Justice, and summarily dealt with.

XXXII. And if any Person shall be found taking or removing Malt, or any Corn or Grain making into Malt, from any Malthouse or Premises on the principal or outer Gate whereof the Words "Entered to make Malt to be used in distilling Spirits only" shall be painted, fixed, or placed, unless in the Case of Malt the same shall be removed under and accompanied by a Permit granted under the Provisions of this Act, or if any Person shall be found taking or removing any Malt, Sugar, or Molasses, or any Wort or Wash, from any Distillery or the Premises thereto belonging, it shall be lawful for any Officer of Excise to arrest and detain such Person, and to convey him before a Justice of the Peace residing near the Place where such arrest shall be made; and such Justice is hereby authorized and required to hear and determine, as soon afterwards as practicable, the Charge against the Person so arrested, and on the Confession of such Person, or on due Proof upon Oath of such Offence, to convict such Offender in the Penalty of One hundred Pounds; and the Person so convicted shall forthwith pay the said Penalty into the Hands of the said Officer, for the Order and Direction of the Commissioners of Inland Revenue, and in default thereof such Justice shall commit such Offender to any Gaol or Prison of the County, there to be kept to Hard Labour for any Period not exceeding Six Calendar Months nor less than Two Calendar Months, unless such Penalty shall be sooner paid.

No Abatement for Deficiencies on Spirits deposited in Warehouse less than Three Days.

XXXIII. And whereas by the Twenty-eighth Section of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-seven, certain Rates of Allowance or Abatement are directed to be made in respect of the Deficiencies which may occur in *British* Spirits warehoused without Payment of Duty: Be it enacted, That no such Allowance or Abatement shall be made on any Spirits which shall not be and remain deposited in a Warehouse for the Period of Three Days or more.

Rectifiers may send out compounded Spirits at certain additional Strengths.

XXXIV. And whereas it is expedient to allow compounded Spirits to be sent out at other Degrees of Strength than are now allowed by Law: Be it enacted, That it shall be lawful for any Rectifier or Compounder of Spirits to sell and send out compounded Spirits at any Degree of Strength at which *British* Spirits may be sold and sent out by any Distiller, as well as at the Strength at which such Rectifier or Compounder may now sell and send out compounded Spirits under any Act in force.

Malting Barley or other Corn how long to be kept in operation.

XXXV. And for amending the Laws relating to the Duties of Excise on Malt, be it enacted, That all Barley making into Malt in any Malthouse shall be kept in operation for the full Period of One hundred and sixty-eight Hours at the least from the Time of the same being removed from the Cistern into the Couch Frame before the same or any Portion of it shall be placed on the Kiln; and all other Corn or Grain making into Malt shall be kept in operation for such Period of Time as the Commissioners of Inland Revenue shall order or direct in that Behalf; and if any Maltster shall place on the Kiln any Barley making into Malt which shall not have been kept in operation for the full Period directed by this Act, or any other Corn or Grain making into Malt which shall not have been kept in operation for such Period of Time as the said last-mentioned Commissioners shall order or direct in that Behalf, every such Maltster so offending shall forfeit the Sum of Two hundred Pounds.

Brewer not to have raw or unmalted Grain in his Brewery or in Premises adjacent.

XXXVI. And for preventing Fraud and Evasion of the Duty of Excise on Malt by the Use of raw or unmalted Corn or Grain in the brewing of Beer for Sale, be it enacted, That it shall not be lawful for any Brewer of Beer for Sale to have in his Brewery, or in any Premises belonging or adjacent thereto, whether the same shall be entered by him or not, any raw or unmalted Corn or Grain whatsoever, either whole or unground, or ground or bruised, except Corn or Grain, not ground or bruised, being in Premises entered by such Brewer for the Purpose of making Malt; and all raw or unmalted Corn or Grain which shall be found in such Brewery or other Premises (except as aforesaid), and also all malted Corn or Grain, whether whole or unground, or ground or bruised with which such raw or unmalted Corn or Grain may be mixed, shall be forfeited, and may be seized by any Officer of Excise, together with all Sacks, Casks, Vessels, or Packages in which such raw or unmalted Corn or Grain may be contained, and the Brewer for every such Offence shall forfeit the Sum of Two hundred Pounds: Provided always, that no such Penalty or Forfeiture shall be incurred in respect of any Oats or Beans *bonâ fide* intended to be used and consumed as Food for Horses, such Oats or Beans being in Premises of which such Brewer shall specially make Entry as Places for the Deposit of Horse Corn, and which shall be so far distinct from his entered Brewery Premises as not to have any internal Communication to or with the same.

Malt used by Brewers to be ground by Metal Rollers only.

XXXVII. No Brewer of Beer for sale shall have or use, for the Purpose of grinding, crushing, or bruising Malt, any Millstones, or any Mill constructed otherwise than with Metal Rollers only, such Rollers not being fluted but having plain and smooth Surfaces; and no Malt which shall be ground by any means, or crushed or bruised otherwise than by means of such Metal Rollers as aforesaid, shall be used by or be received into the Possession of any such Brewer; and if any such Brewer shall commit any Offence contrary to any of the Prohibitions contained in this Clause he shall forfeit the Sum of Two hundred Pounds; and all Malt which shall be found in the Possession of any such Brewer ground, crushed, or bruised in any Manner contrary to any such Prohibition shall also be forfeited, and may be seized by any Officer of Excise.

CAP. XCV.

CAP. XCV.

An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing Street, Westminster.—[14*th* August 1855.]

CAP. XCVI.

An Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the Office of the Receipt of Her Majesty's Exchequer at Westminster.—[14*th* August 1855.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Customs Duties, &c. payable to Exchequer Account of Bank of England to be received under such Regulations as the Treasury shall prescribe.

4 & 5 W. 4. c. 15.

I. All Customs Duties and other Public Moneys payable to the Exchequer Account at the Bank of *England* shall be received to the Credit of such Account by the Governor and Company of the said Bank, under such Regulations and Directions as the Commissioners of Her Majesty's Treasury shall from Time to Time prescribe; and the Specifications or Statements of Particulars required, by an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, to be delivered to the Cashier or other Officer of the Bank of *England* by the Person paying in any such Money, shall be required only in such Cases and shall be signed and issued by such Person as the said Commissioners shall from Time to Time direct; and the Acquittances for all Payments made to the Account of the Exchequer at the Bank of *England* shall be made out in such Form and under such Regulations as shall be prescribed by the said Commissioners; and such Acquittances shall have in all respects the same Force and Validity in Law as the Acquittances heretofore given by the Comptroller of the Exchequer by virtue of the Ninth Section of the said recited Act of the Fourth Year of the Reign of King *William* the Fourth, Chapter Fifteen; and the several Orders, Rules, and Regulations which may be issued under the Authority of this Act by the said Commissioners of Her Majesty's Treasury, as relating to such Specifications and Acquittances as aforesaid, shall be laid before both Houses of Parliament within Six Weeks after the Issue of such Orders, Rules, and Regulations, if Parliament shall be sitting, or if not sitting, then within Six Weeks next immediately after the re-assembling of Parliament.

Importation of Tobacco in Packages less than 80 lbs. prohibited.

II. Tobacco, Cigars, and Snuff are hereby prohibited to be imported into the United Kingdom, unless in whole and complete Packages, each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, and unless in Ships of not less than One hundred and twenty Tons Burden, and unless into such Ports as are or may be approved by the Commissioners of Customs for the Importation and Warehousing of Tobacco; and any Tobacco, Cigars, or Snuff imported into the United Kingdom contrary hereto shall be subject to the Provisions contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," in the same Manner as if this Prohibition had been originally enacted in the Table of Prohibitions and Restrictions to the said Section, of which it is hereby declared to form a Part.

Goods not reported may be detained till Requisites complied with.

III. Goods not duly reported may be detained by any Officer or Officers of Customs until the same are so reported, and the Cause of the Omission explained to the Satisfaction of the Commissioners of Customs, who may thereupon restore the same on such Terms as they may deem proper; and such Goods may in the meantime, should the said Commissioners deem necessary, be removed to the Queen's Warehouse.

Time for perfecting Entries by Bills of Sight may be extended.

IV. The Time prescribed by the Sixty-fourth Section of "The Customs Consolidation Act, 1853," for perfecting Entries by Bill of Sight, may be extended at the Discretion of the Commissioners of Customs.

Commissioners of Customs may permit special Entries in particular Cases.

V. The Commissioners of Customs may permit the Entries of Goods in such Form and Manner and on such Conditions as they may direct to meet the Exigencies of any Case to which the general Laws and Regulations may not be strictly applicable.

VI. All Goods not being of a perishable Nature deposited in the Queen's Warehouse, and not cleared within Three Months, and all Goods of a perishable Nature so deposited and not cleared forthwith, may, in case the same cannot be sold for a Sum sufficient to pay the Duties and Charges if offered for Sale for Home Consumption, or the Charges if offered for Sale for Exportation, be destroyed by Direction of the Commissioners of Customs.

Goods not worth the Duty, &c. in the Queen's Warehouse may be destroyed.

VII. No Goods of a combustible or inflammable Nature shall be brought into or deposited in the Queen's Warehouse, unless with the Sanction of the Commissioners of Customs; and if any such Goods shall be landed by the Officers of Customs under the Seventy-fourth Section of "The Customs Consolidation Act, 1853," the same may be deposited in any Place that such Officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's Warehouse, and be liable to be dealt with, at the Expiration of Fourteen Days, in the same Manner as Goods of a perishable Nature actually deposited in the Queen's Warehouse, unless duly cleared or warehoused in some approved Warehouse in the meantime; and such Goods shall be chargeable with such Expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid, as the Commissioners shall see fit, and neither the said Commissioners nor their Officers shall be liable to make good any Damage which such Goods may sustain by reason or during the Time of their being so deposited and dealt with as aforesaid.

Combustibles not to be deposited in Queen's Warehouse.

VIII. On the re-warehousing in the Name of the Proprietor of Goods, either by himself or by the Warehouse-keeper after the Expiration of Five Years from the last preceding warehousing, or re-warehousing thereof under Sections One hundred and three and One hundred and four of "The Customs Consolidation Act, 1853," the Commissioners of Customs may (first being satisfied that the same are in the Warehouse, that the Packages are entire, and that there is no Ground to suspect that there is any undue Deficiency therein) dispense with the re-weighing, re-gauging, or re-measuring, and strict Examination thereof, if they be such as are liable on Delivery to the Payment of Duty according to the landing Weight, Measure, or Quantity thereof, and also at the Request of the Warehouse-keeper or Proprietor of the Warehouse may (first being satisfied as aforesaid) dispense with the re-weighing, re-gauging, re-measuring, or strict Examination on such re-warehousing as aforesaid of Goods being Wines or other Goods the Duties whereon are payable at the Delivery, Weight, Measure, or Quantity, and which may be liable to Injury by such re-weighing, re-gauging, re-measuring, or strict Examination; but in either

Power to dispense with the re-weighing, &c. of Goods on quinquennial re-warehousing, in certain Cases.

either of these Cases the Warehouse-keeper or Proprietor of such Warehouse shall be liable at the Time of Delivery of such Goods to pay the Duties due on any Deficiency therein not allowed by Law which may then be found to exist, instead of being called upon to make good any Deficiencies which might have been found to exist had such re-weighing, re-gauging, re-measuring, or Examination been resorted to at the Time of such re-warehousing.

Goods not to be shipped except on proper Days and Places, nor until Entry and Clearance.

IX. No Goods shall be shipped, put off, or water-borne to be shipped for Exportation from any Port or Place in the United Kingdom, except on Days not being *Sundays* or Holidays, nor from any Place except some Legal Quay, Wharf, or other Place duly appointed for such Purpose, nor without the Presence or Authority of the Proper Officer of Customs, nor before due Entry Outwards of such Ship and due Entry of such Goods, nor before such Goods shall have been duly cleared for Shipment; and any Goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited; and it shall be lawful for the Searcher to open or cause to be opened and to examine all Goods shipped or brought for Shipment at any Place in the United Kingdom, and the opening for that Purpose of Packages containing Goods upon which any Drawback of Customs or Inland Revenue is claimed, and the weighing, re-packing, landing (when water-borne), and the shipping thereof shall be done by or at the Expense of the Exporter.

Searcher may open Packages and examine Goods.

Penalty on failing to deliver Shipping Bill.

X. Any Exporter of Goods who shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof, of the Goods exported by him, as prescribed by the One hundred and twenty-fifth Section of "The "Customs Consolidation Act, 1853," shall forfeit the Sum of Twenty Pounds.

Penalty on departing without being cleared.

XI. If any Ship having Cargo on board shall depart from any Port without being duly cleared, the Master shall forfeit the Sum of One hundred Pounds.

As to Exportation of British and Irish Spirits to Isle of Man, &c.

XII. *British* or *Irish* Spirits may be exported from *Great Britain* or *Ireland* to Parts beyond the Seas or be removed to the *Isle of Man* in Casks of the Content of Ten Gallons each at the least, but no *British* or *Irish* Spirits shall be removed or exported from the *Isle of Man* to any other Part of the United Kingdom, under pain of Forfeiture thereof.

Foreign Ships in the Coasting Trade to be subject to the

XIII. Every Foreign Ship employed in carrying Goods or Passengers Coastwise from one Part of the United Kingdom to another, or from the Islands of *Guernsey, Jersey, Alderney, Sark,* or *Man* to the United Kingdom, or from the United Kingdom to any of the said Islands, or from any of the said

Islands to any other of them, or from any Part of any one of the said Islands to any other Part of the same, shall be subject, as to Stores for the use of the Crew and in all other respects, to the same Laws, Rules, and Regulations to which *British* Ships when so employed are now subject.

same Rules as British Ships.

XIV. No Foreign Ship employed in the Coasting Trade as aforesaid, nor any Goods carried in any such Ship, shall, during the Time such Ship is so employed, be subject to any higher or other Rate of Dock, Pier, Harbour, Light, Pilotage, Tonnage, or other Dues, Duties, Tolls, Rates, or other Charges whatsoever, or to any other Rules as to the Employment of Pilots, or any other Rules or Restrictions whatsoever, than *British* Ships employed in like Manner or Goods carried in such Ships, any Law, Charter, special Privilege, or Grant to the contrary notwithstanding; nor shall any Body Corporate or Person having or claiming any Right or Title to any such higher or other Rates, Dues, Duties, Tolls, or other Charges as aforesaid be entitled to any Compensation in respect thereof under any Law or Statute relating thereto, or otherwise howsoever.

Foreign Ships employed in the Coasting Trade not to be subject to higher Rates than British Ships.

XV. It shall be lawful for Her Majesty to exercise in respect of Foreign Ships employed in the Coasting Trade as aforesaid, and of Goods carried Coastwise in such Ships, such or the like Powers as are conferred on Her Majesty by the Three hundred and twenty-fourth, Three hundred and twenty-fifth, and Three hundred and twenty-sixth Sections of the said Customs Consolidation Act, 1853, in respect of Foreign Ships employed in the Over-sea Trade, and of Goods exported or imported in such Ships.

Her Majesty may exercise such Powers as conferred by Sections 324, 325, and 326 of 16 & 17 Vict. c. 107.

XVI. The Powers and Authorities now vested in the Commissioners of Customs with regard to any Act or Thing relating to the Customs or to Trade or Navigation in any of the *British* Possessions abroad shall, from and after the passing of this Act, be vested in the Governor, Lieutenant Governor, or other Person administering the Government in any such Possession, and every Act required by any Law to be done by or with any particular Officer or at any particular Place, if done by or with any such Officer or at any Place appointed or nominated by such Governor, Lieutenant Governor, or other Person so administering such Government, shall be deemed to have been done by or with such particular Officer or at such particular Place, as the Case may be, and as required by Law; and all Commissions, Deputations, and Appointments granted to any Officers of Customs in force at the Commencement of this Act shall have the same Force and Effect to all Intents and Purposes as if the same had been granted or made in the first instance by such Governor, Lieutenant Governor, or Person

Powers of Commissioners of Customs as to Colonies extended to Governors, &c.

son so administering the Government of any such Possession; and all Bonds or other Securities which shall have been given by or for any such Officers and their respective Securities for good Conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by Directions of any such Governor, Lieutenant Governor, or Person administering the Government of any such Possession.

The Bay Islands to be placed on the same Footing as the Bermudas.

XVII. The Islands in the *Bay of Honduras* called the *Bay Islands* shall be deemed and taken to be excepted or excluded from the Operation of the One hundred and fifty-ninth Section of the "Customs Consolidation Act, 1853," to the same Extent as the *Bahamas* or *Bermuda* Islands are thereby excepted or excluded.

Provision as to Importation of Tobacco, &c. into Channel Islands.

XVIII. No Tobacco, Cigars, or Snuff shall be imported into the Channel Islands, nor be carried from any one of the said Islands to another of them, or from one Part of any of the said Islands to another Part of the same, unless in Ships of not less Burden than Fifty Tons, except from the United Kingdom in Ships of not less than Forty Tons Burden regularly trading from thence to those Islands, nor unless in Packages each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, nor unless the Provisions in and under which the like Sort of Goods may be legally imported into the United Kingdom are complied with; and all Tobacco, Cigars, or Snuff imported into the said Island or carried, shipped, or removed contrary hereto, or which shall be found or discovered to have been on board any Ship or Boat within One League of the Coasts thereof, shall be forfeited, together with the Ship or Boat.

As to importing and exporting Spirits from and to the Channel Islands in Ships of 50 Tons and Casks of 20 Gallons.

XIX. No Spirits (except Rum of the *British* Plantations) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any One of the said Islands, or shall be shipped in order to be so removed or carried in any Ship of less Burden than Fifty Tons, or in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and all Spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried contrary hereto shall be forfeited, together with the Ship and any Boat importing, exporting removing, or carrying the same: Provided always, that nothing herein contained shall extend to any Spirits imported in any such Ship in Glass Bottles as Part of the Cargo, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers of such Ship during their Voyage, and

Not to extend to Spirits in Glass Bottles, or to Stores;

and not being more in Quantity than is necessary for that Purpose; nor to any warehoused Goods exported from the United Kingdom in Ships of not less than Forty Tons Burden being regular Traders to those Islands; nor to any Boat of less Burden than Ten Tons, for having on board at any One Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of *Guernsey* or *Jersey* for the Purpose of being employed in carrying Commodities for the Supply of the Island of *Sark*, which Licence such Officer of Customs is hereby required to grant without Fee or Reward; but if any such Boat shall have on board at any One Time any greater Quantity of Spirits than Ten Gallons, unless in Casks or Packages of the Size and Content of Twenty Gallons at the least, such Spirits and Boat shall be forfeited.

nor to certain warehoused Goods exported; nor to licensed Boats of Ten Tons supplying Island of Sark.

XX. If in the Channel Islands any Goods the Importation whereof into the United Kingdom is prohibited, or any Goods in any Packages or in any Manner in which the same cannot be legally imported into the United Kingdom, shall be shipped or brought to any Wharf, Quay, or other Place in or be water-borne to be shipped on board any Ship clearing or departing from those Islands to the United Kingdom, such Goods shall be forfeited, and any Person who shall so ship, bring, or water-bear to be shipped any such Goods, or be otherwise knowingly concerned therein, shall forfeit the Sum of One hundred Pounds or Treble the Value of the Goods, at the Election of the Commissioners of Customs.

Prohibited Goods not to be shipped from the Channel Islands to the United Kingdom.

XXI. Where any Seizures of Tobacco or Spirits shall be made in any of the Channel Islands or within One League of the Coast thereof by any Officer of Customs or Person employed for the Prevention of Smuggling, it shall be lawful for the Commissioners of Customs to allow to such Officer or Person such Reward beyond the Sum directed by the One hundred and eighty-fourth Section of "The Customs Consolidation Act, 1853," as the said Commissioners may deem advisable, not exceeding in any Case the Sum of Five Pounds.

Reward to Officers for Seizures in Channel Islands.

XXII. The Terms "Governor, Deputy Governor, and Deemster," used in the Two hundred and sixty-third and Two hundred and seventy-seventh Sections of "The Customs Consolidation Act, 1853," shall be deemed to apply to and include Jurats of any of the Channel Islands, and each such Jurat shall have and exercise, in respect of any Offence against any Act relating to the Customs committed in or within One League of the Island in which he may be a Jurat, the same Powers as are vested in any Justice of the Peace in respect of any such Offences committed therein.

The Terms, "Governor, &c." in Channel Islands to include Jurats, who are to have the same Power.

XXIII. Any

Goods the Growth or Manufacture of Isle of Man may be imported into Great Britain or Ireland on Certificate, &c.

XXIII. Any Goods the Growth of the *Isle of Man*, or there manufactured from Materials the Growth of the said Isle, or from Materials not subject to Duties in *Great Britain* or *Ireland*, or from Materials upon which the Duty has been paid in *Great Britain* or *Ireland* and upon which no Drawback has been subsequently granted, may be brought from the said Isle into *Great Britain* or *Ireland* without Payment of any Duty: Provided always, that such Goods may nevertheless be charged with such Proportion of such Duties as shall fairly countervail any Duties of Excise payable on the like Sort of Goods the Produce of that Part of the United Kingdom into which they shall be brought or payable upon any of the Materials from which such Goods are manufactured; and any Articles either wholly or in part manufactured in the said Isle from any Materials upon which a higher Duty is payable upon their Importation into the United Kingdom than on their Importation into the *Isle of Man*, may be brought from the said Isle into *Great Britain* or *Ireland* on Payment of the Duty payable on such Goods in that Part of the United Kingdom into which they shall be so brought.

Isle of Man to be Part of United Kingdom for Customs Purposes.

XXIV. The *Isle of Man* shall be deemed and taken to be Part of the United Kingdom for the Purposes of this or any other Act relating to the Customs; but nothing herein contained shall prejudice or affect, or be construed in any way, directly or indirectly, to prejudice or affect, any of the Rights or Privileges legally exercised or enjoyed by the said Isle at the Time of the passing of this Act.

Certain Vessels belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, and Foreign Vessels found within certain Distances of the Coast of the United Kingdom or Channel Islands

XXV. If any Ship or Boat belonging wholly or in part to Her Majesty's Subjects, or having Half the Persons on board Subjects of Her Majesty, shall be found or discovered to have been within Four Leagues of that Part of the Coast of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the Coast of the United Kingdom, or if any Foreign Ship or Boat having One or more Subjects of Her Majesty on board shall be found or discovered to have been within Three Leagues of the Coast of the United Kingdom, or if any Foreign Ship or Boat shall be found or discovered to have been within One League of the Coast of the United Kingdom, or if any Ship or Boat shall be found or discovered to have been within One League of the Channel Islands, any such Ship or Boat so found or discovered, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or other Vessel capable of containing Liquids of the Size or Content

tent of Twenty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff not being in a Cask or a whole and complete Package containing Eighty Pounds Weight of Tobacco or Snuff at the least, or any Tobacco Stalks, Tobacco Stalk Flour, Snuff Work, or any Cordage or other Articles adapted and prepared for slinging or sinking small Casks, or any Casks or other Vessels whatsoever of less Size or Content than Twenty Gallons of the Description used for the smuggling of Spirits, then and in every such Case, the said Spirits, Tea, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, and Snuff Work, together with the Casks or Packages containing the same, and the Cordage or other Articles, Casks, and other Vessels of the Description aforesaid, and also the Ship or Boat, shall be forfeited.

with certain Goods on board, forfeited, with the Goods.

XXVI. If any Ship or Boat shall be found or discovered to have been within any Port, Bay, Harbour, River or Creek of the United Kingdom or the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff, imported contrary to the Prohibitions and Restrictions contained in this or any other Act relating to the Customs, or any Tobacco Stalks, Tobacco Stalk Flour, or Snuff Work, every such Ship or Boat, and such Spirits, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, and Snuff Work shall be forfeited; but if it shall be made to appear to the Satisfaction of the Commissioners of Customs that such Spirits, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, or Snuff Work were on board without the Knowledge or Privity of the Owner or Master of such Ship or Boat, and without any wilful Neglect or Want of reasonable Care on their Parts, then and in such Case the said Commissioners shall deliver up the said Ship or Boat to the Owner or Master of the same.

Any Vessel or Boat arriving within any Port of the United Kingdom or of the Channel Islands having prohibited Goods on board or attached thereto forfeited.

Power to Commissioners to waive Forfeiture.

XXVII. Nothing herein contained shall extend to render any Ship of One hundred and twenty Tons Burden or upwards liable to Forfeiture on account of any Tobacco, Cigars or Snuff, if in whole and complete Packages, each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff; nor to render any Ship of Fifty Tons Burden or upwards liable to Forfeiture on account of any Tea, or of any Spirits in Glass Bottles or Stone Bottles not exceeding the size of Three Pints each, such Tea and Spirits being really Part of the Cargo of such Ship; nor to render any Ship liable

Forfeiture not to extend to Ships and Goods in certain Cases.

to Forfeiture on account of any Spirits or Tea, or of any Tobacco really intended for the Consumption of the Seamen or Passengers on board during their Voyage, and not being more in Quantity than is necessary for that Purpose; nor to render any Ship liable to Forfeiture if really bound from one Foreign Port to another Foreign Port, and pursuing such Voyage, Wind and Weather permitting.

Persons on board Vessels within Ports of the United Kingdom or the Channel Islands, with contraband Articles, subject to Penalty of 100*l.* and Detention.

XXVIII. Every Person who shall be found or discovered to have been on board any Ship or Boat liable to Forfeiture under this or any other Act relating to the Customs for being found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or of the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Ship or Boat to Forfeiture, or who shall be found or discovered to have been on board any of Her Majesty's Ships or Vessels, or on board any Ship or Vessel in Her Majesty's Employment or Service, or on board of any Foreign Post Office Packet, being a national Vessel, employed in carrying the Mails between any Foreign Country and the United Kingdom, such last-mentioned Ships, Vessels, or Packets being found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff not being in a whole and complete Package containing Eighty Pounds Weight of such Tobacco or Snuff at least, shall forfeit the Sum of One hundred Pounds; and every such Person shall and may be detained, and taken before any Justice, to be dealt with as herein-after directed.

Notice of Seizure of Goods.

XXIX. The Notice in Writing now required by the Two hundred and twenty-sixth Section of "The Customs Consolidation Act, 1853," on the Seizure of Goods, shall not be required in Cases where the Seizure is made on the Person or in the Presence of the Offender; and where any such Notice is required, the same may be served either in the Manner prescribed by the said Section, or by Delivery at the Place of Abode of the Party to whom the same is addressed.

Where Persons are taken before a

XXX. When any Person shall have been detained for any Offence against this or any other Act relating to the Customs and taken before any Justice, such Justice may, if he see reasonable Cause, order such Person to be detained in Gaol or in the Custody of the Police or Constabulary Force a reasonable Time, to obtain the Order of the Commissioners of Customs or Inland Revenue, and to prepare the necessary Informations, Convictions, and Warrants of Commitment, and at the Expiration of such Time to be brought before him, or any other Justice or Justices, who may then finally hear and determine the Matter; or when any Information shall have been preferred before any Justice against any Person for any such Offence, and it shall appear to such Justice, by Depositions on Oath, that such Person is likely to abscond before such Information can be heard, such Justice may, in lieu of issuing a Summons for the Appearance of the Offender, grant his Warrant to apprehend and bring such Offender before him or any other Justice, at a Time and Place to be named in such Warrant, for the Hearing of such Information; but any Person so detained or apprehended may be liberated, on giving, by Recognizance, Security to the Satisfaction of such Justice in the Sum of One hundred Pounds, or in the Amount of the Penalty sought to be recovered, to appear at such Time and Place as shall be appointed by such Justice for hearing the Case.

Justice for any Offence under any Act relating to the Customs, or likely to abscond, such Justice may order them to be detained a reasonable Time, or admit to Bail.

XXXI. When any Person is convicted before any Justice and adjudged to pay a pecuniary Penalty for any Offence against this or any Act relating to the Customs, such Justice shall state in the Conviction, and also in the Commitment of such Person, if committed in default of Payment, the Amount of Costs awarded to be paid by such Person, as well as the Penalty so adjudged, and shall commit such Person until Payment of such Penalty and Costs.

Penalty and Costs to be stated in Convictions, &c.

XXXII. In any Case where a Verdict is or shall have been obtained at the Suit of the Crown against any Defendant in any of the Superior Courts, in any Cause tried out of Term, Execution thereon may issue on or after the Expiration of Fourteen Days from the Date of such Verdict, in the same Manner as Execution may issue in any Case under the One hundred and twentieth Section of "The Common Law Procedure Act, 1852," unless the Judge who tried the Cause, or some other Judge, or the Court, shall order Execution to issue at any earlier or later Period with or without Terms.

Execution may issue after Trial out of Term.

XXXIII. The Option given to a Defendant by Section Two hundred and sixty-four of "The Customs Consolidation Act, 1853," of removing any Proceedings against himself before any Justice to a Superior Court, shall not be exercised after the Commencement of the Trial or Hearing thereof before such Justice.

Defendant's Option to remove Case to Superior Court to be exercised before the Hearing commences.

XXXIV. The

Count for harbouring, &c. smuggled Goods.

XXXIV. The Words "otherwise dealing with certain prohibited, restricted, or uncustomed Goods" in Count Sixteen of Schedule B. to "The Customs Consolidation Act, 1853," shall be deemed to apply to and include the harbouring or having Possession, as the Case may be, of any such Goods, and it shall not be necessary to prove that the Party charged was concerned in the unshipping thereof.

Evidence of Condemnation of Forfeiture.

XXXV. The Condemnation of Goods by any Justice as forfeited under the Laws relating to the Customs may be proved in any Court of Justice, or before any competent Tribunal, by the Production of such Condemnation purporting to be signed by such Justice, or an examined Copy of the Record of such Condemnation certified by the Clerk to such Justice.

Section 2. of 14 & 15 Vict. c. 99. not to extend to Revenue Cases.

XXXVI. The Second Section of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine, shall not be deemed to apply to any Prosecution, Suit, or other Proceeding in respect of any Offence, or for the Recovery of any Penalty or Forfeiture, under any Law now in force or hereafter to be made relating to the Customs or Inland Revenue.

Defendants in Customs Cases to have choice of Attorney and Counsel in Scotland.

XXXVII. Any Writer to the Signet, Solicitor before the Supreme Courts in *Scotland*, or Solicitor at Law duly licensed to practise as an Agent in the Courts of Session and Justiciary in *Scotland*, who shall be retained by any Defendant at the Suit of the Crown for any Offence against the Laws relating to the Customs, shall be competent to undertake the Defence of such Defendant, and to instruct Counsel for that Purpose; and any such Defendant who may not have retained any such Agent shall be entitled to be heard by his Counsel on any Trial for such Offence, although such Defendant may have previously appeared to answer such Suit in Person instead of appearing by Agent.

Penalty on making false Declarations, signing false Documents and untruly answering Questions, and counterfeiting and using false Documents.

XXXVIII. If any Person shall in any Matter relating to the Customs make and subscribe any false Declaration, or make or sign any Declaration, Certificate, or other Instrument required to be verified by Signature only, the same being false in any Particular, or if any Person shall make or sign any Declaration made for the Consideration of the Commissioners of Customs, on any Application presented to them, the same being untrue in any Particular; or if any Person required by this or any other Act relating to the Customs to answer Questions put to him by the Officers of Customs shall not truly answer such Questions; or if any Person shall counterfeit, falsify, or wilfully use when counterfeited or falsified any Document required by this or any Act relating to the Customs or by or under the Directions of the Commissioners of Customs, or any Instrument used in the Transaction of any Business or Matter relating to the Customs, or shall fraudulently alter any Document or Instrument, or Counterfeit the Seal, Signature, Initials, or other Mark of or used by the Officers of the Customs for the Verification of any such Document or Instrument, or for the Security of Goods, or any other Purpose in the Conduct of Business relating to the Customs, or under the Control or Management of the Commissioners of Customs or their Officers; every Person so offending shall for every such Offence forfeit the Penalty of One hundred Pounds.

Persons complaining of Prohibition of Books in Copyright Lists may appeal to a Judge in Chambers.

XXXIX. If any Person shall have cause to complain of the Insertion of any Book in the Lists required by the Forty-sixth and One hundred and sixtieth Sections of "The Customs Consolidation Act, 1853," to be published by the Commissioners of Customs, it shall be lawful for any Judge at Chambers, on the Application of the Person so complaining, to issue a Summons calling upon the Person upon whose Notice such Book shall have been so inserted to appear before such Judge, at a Time to be appointed in such Summons, to show Cause why such Book shall not be expunged from such Lists, and such Judge shall at the Time so appointed proceed to hear and determine upon the Matter of such Summons, and make his Order thereon in Writing, and upon Service of such Order, or a certified Copy thereof, upon the Commissioners of Customs or their Secretary for the Time being, the said Commissioners shall expunge such Book from the List, or retain the same therein according to the Tenor of such Order; and in Case such Book shall be expunged from such Lists, the same shall not be deemed to be prohibited under the Table of Prohibitions and Restrictions Inwards contained in the Forty-fourth Section of the said Act: If at the Time appointed in any such Summons the Person so summoned shall not appear before such Judge, then upon Proof by Affidavit that such Summons, or a true Copy thereof, has been personally served upon or left at the last known or usual Place of Abode of the Person so summoned, or in case the Person to whom such Summons was directed and his Place of Abode cannot be found, that due Diligence has been used to ascertain the same, such Judge shall be at liberty to proceed *ex parte* to hear and determine the Matter; but if either Party be dissatisfied with such Order he may apply to the Superior Court of which such Judge is a Member to review such Order and make such further Order thereon as such Court may see fit.

Declaration of Truth of Notice of Copyright.

XL. From and after the passing of this Act, no Book shall be inserted in any List published by the Commissioners of Customs, under the Forty-sixth and One hundred and sixtieth Sections of "The Customs Consolidation Act, 1853," until the

Person giving the Notice thereby required shall have made and subscribed a Declaration before the Collector of the Customs or any Justice of the Peace, at some Port or Place in the United Kingdom, that the Contents of such Notice are true: Provided always, that nothing in this Act contained shall prevent, prejudice, or affect any Proceeding at Law or in Equity which any Party, aggrieved by reason of the Insertion of any Book in any such List, in pursuance of any such Notice, or upon the Removal of any Book from such List pursuant to any such Order as aforesaid, or by reason of any Declaration to be made under the Authority of this Act being false, might or would otherwise have against any Party giving such Notice, or obtaining any such Order, or making such false Declaration as aforesaid.

Nothing to prevent Persons aggrieved from proceeding at Law, &c.

Soldiers, &c. not to be billeted on Coast Guard.

XLI. No Soldiers or Militia shall be billeted on Officers or Coast Guard Men in the Service of the Customs.

Declaratory Explanation of Term "Malt."

XLII. The Term "Malt" in the Table of Prohibitions and Restrictions Inwards relating to Goods absolutely prohibited to be imported, contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," shall be deemed to include all Malt, whether in Grain or in the Form of concentrated Extract or Essence, but shall not include any of the fermented Liquors made from Malt now specified in the Tariff.

Interpretation of Terms.

XLIII. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section.

Acts and Parts of Acts set forth in Schedule repealed.

XLIV. The several Acts and Parts of Acts set forth in the Schedule to this Act annexed are hereby repealed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, except as to anything done before the Commencement of this Act, and except so far as relates to any Arrears of Duty or to any Drawback which shall have become due or payable, and except so far as may be necessary for the Purpose of supporting or continuing any Proceeding heretofore taken or to be taken after the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed or any Forfeiture which shall have been incurred before the Commencement of this Act; and all Orders made by Her Majesty in Council, all Bonds taken or Licences granted, and all Things done under the Authority or in pursuance of any of the Acts or Parts of Acts hereby repealed, shall nevertheless be valid and effectual.

Orders, &c. under Acts repealed to be valid.

XLV. Each of the several Sections of this Act set forth in Column No. 1. of the Table to this Act shall be deemed and taken to be incorporated in and form Part of "The Customs Consolidation Act, 1853," in the Order and Place assigned to each such Section in and by Column No. 2. of the said Table, and the said several Sections of this Act shall be read and construed with the said Customs Consolidation Act, 1853, and the Provisions of the latter Act shall be deemed to relate to and be applicable to said several Sections of this Act in the same Manner and to the same Extent as if the said several Sections of this Act had been originally enacted therein, in the Order and Place so assigned to each such Section in and by the said Table; and the several Forms contained in Schedule B. to the said "Customs Consolidation Act, 1853," shall and may be used with reference to any Offences under this Act in the same Manner as they are made applicable to Offences against the said "Customs Consolidation Act, 1853," and, when necessary, the numerical Reference in such Forms to the Sections of this Act creating the Offence charged shall be made accordingly.

Sections of this Act set forth in Table incorporated in the Customs Consolidation Act, 1853.

XLVI. This Act shall be registered in the Royal Courts of the Islands of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Act to be registered in Royal Courts of Guernsey and Jersey.

XLVII. This Act shall come into operation on the Day of the passing of this Act; and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the expression "The Supplemental Customs Consolidation Act, 1855."

Commencement and Short Title of Acts.

SCHE-

SCHEDULE of Acts to be repealed.

Date of Act.	Title of Act.	Extent of Repeal.
16 & 17 Vict. c. 107.	Customs Consolidation Act, 1853.	Sections 119, 192, 193, 198, 210, 212, 213, 214, 236, 240, 346, 348. So much of the Table of Prohibitions and Restrictions Inwards on Goods prohibited to be imported, except subject to the Restrictions on Importation therein contained, as relates to Tobacco and Snuff under the several Denominations of Tobacco, Cigars, Cigarillos, Cigarrettos, and Snuff, being Part of Section 44. The following Words, viz., "With "the Addition of the Value of "such Goods, if any, as shall "have been previously charge-"able with Duty at Value and "of British Goods," being Part of the Proviso contained in Section 125; and so much of Section 142 as relates to the Delivery of a Duplicate Bill of Lading on the Shipment of Goods, and within Fourteen Days after final Clearance of the Ship, a List of such Goods, with the Quantities and Values thereof, as thereby required.
17 Vict. c. 5.	An Act to admit Foreign Ships to the Coasting Trade.	The whole Act.
17 & 18 Vict. c. 122.	An Act for the further Alteration and Amendment of the Laws and Duties of Customs.	The whole Act.

TABLE referred to in Section XLV.

Column No. 1. Sections of "The Supplemental Customs Consolidation Act, 1855."	Column No. 2. Order and Place of Incorporation in "The Customs Consolidation Act, 1853."					—
Section 1	After	Section 21	of "The Customs Consolidation Act, 1853"			
2	In lieu of Part of	Section 44	,,	,,	,,	Repealed by this Act.
3	After	Section 51	,,	,,	,,	
4	After	Section 64	,,	,,	,,	
5	After	Section 65	,,	,,	,,	
6 & 7	After	Section 74	,,	,,	,,	
8	After	Section 104	,,	,,	,,	
9	In lieu of	Section 119	,,	,,	,,	Repealed by this Act.
10	After	Section 125	,,	,,	,,	
11	After	Section 145	,,	,,	,,	
12	After	Section 118	,,	,,	,,	
13, 14, & 15	In lieu of	Section 152	,,	,,	,,	Repealed by 17 Vict. c. 5.
16	After	Section 158	,,	,,	,,	
17	After	Section 159	,,	,,	,,	
18	In lieu of	Section 193	,,	,,	,,	Repealed by 17 & 18 Vict. c. 122. s. 16.
19	In lieu of	Section 192	,,	,,	,,	Repealed by this Act.
20 & 21	After	Section 190	,,	,,	,,	
22	After	Section 277	,,	,,	,,	
23	In lieu of	Section 348	,,	,,	,,	Repealed by this Act.
24	In lieu of	Section 346	,,	,,	,,	Repealed by this Act.
25	In lieu of	Section 212	,,	,,	,,	Repealed by this Act.
26	In lieu of	Section 213	,,	,,	,,	Repealed by this Act.
27	In lieu of	Section 214	,,	,,	,,	Repealed by this Act.
28	In lieu of	Section 236	,,	,,	,,	Repealed by this Act.
29	After	Section 226	,,	,,	,,	
30	In lieu of	Section 240	,,	,,	,,	Repealed by this Act.
31	After	Section 263	,,	,,	,,	
32	After	Section 312	,,	,,	,,	
33	After	Section 264	,,	,,	,,	
34	After	Section 269	,,	,,	,,	
35 & 36	After	Section 308	,,	,,	,,	
37	After	Section 323	,,	,,	,,	
38	In lieu of	Section 198	,,	,,	,,	Repealed by this Act.
39 & 40	After	Section 46	,,	,,	,,	
41	After	Section 7	,,	,,	,,	
42	After	Section 44	,,	,,	,,	
43	After	Section 357	,,	,,	,,	

CAP. XCVII.

An Act for the Amendment and Consolidation of the Customs Tariff Acts.—[*14th* August 1855.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instead of all other Duties and Drawbacks of Customs, there shall be paid and allowed the Duties and Drawbacks in Table (A.) annexed.

Duties in Table (B.) to be levied on Goods imported into Isle of Man.

As to Free Goods in Tables (A.) and (B.)

I. From and after the passing of this Act, in lieu and instead of all other Duties and Drawbacks of Customs, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods imported into any Part of *Great Britain* or *Ireland*, the several Duties of Customs and there shall be allowed upon Goods exported the several Drawbacks as the same are respectively inserted, described, and set forth in Table (A.) to this Act annexed; and in lieu of all Duties of Customs now payable by Law upon the Importation of Goods into the *Isle of Man* there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in Table (B.) to this Act annexed: and all the Goods described as free in the said Table (A.) shall be exempt from Duty on the Importation thereof into *Great Britain* or *Ireland*, and those described as free in the said Table (B.) shall be exempt from Duty on the Importation thereof into the *Isle of Man*.

Power to the Treasury to remit and reimpose the Duties levied on unenumerated Articles imported into Isle of Man.

II. The Commissioners of the Treasury may from Time to Time, by any Order or Orders under their Hands, declare that all or any Articles legally importable into the *Isle of Man*, and not enumerated in the said Table, and upon which the Duty of Fifteen Pounds for every Hundred Pounds Value is hereby imposed, shall and may, from and after any Day or Days named in such Order or Orders, be imported from the Places and in the Manner therein mentioned into the *Isle of Man* Duty-free during such Time or Times as shall be therein named, or until such Order or Orders respectively, or any of them, shall be rescinded, and such Articles shall be imported Duty-free accordingly so long as any such Order or Orders, or any of them, shall continue unrescinded; and the said Commissioners may, at any Time, by any Order under their Hands, revoke the whole or any Part of any previous Order or Orders, or any of them, for such Time and in such Manner as they may see fit; and all Orders of the Commissioners of the Treasury made in pursuance of this Enactment shall be duly published in the *London* and *Dublin* Gazettes twice at least within Fourteen Days from the Date of such Orders respectively, and a Copy of every such Order shall be laid before both Houses of Parliament within Six Weeks after the Date of such Order if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders to be published in the Gazette, and laid before Parliament.

III. The Drawbacks upon Sugar allowed under Table (A.) to this Act shall also be allowed and paid on the like Kinds of Sugar, upon the same being deposited in any approved Warehouse, upon such Terms and Conditions and subject to such Regulations as the Commissioners of Customs may direct, for Delivery therefrom as Ships Stores only, or for the Purpose of sweetening *British* Spirits in Bond.

Drawbacks on Sugar.

IV. For facilitating the due Assessment of Duties on White Clayed Sugar or Sugar rendered by any Process equal to White Clayed, and on Yellow Muscovado or Brown Clayed Sugar or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed Sugar, with reference to Colour, Grain, and Saccharine Matter, considered collectively as they affect the general Quality of such Sugars, the Commissioners of Customs shall provide and renew from Time to Time Samples of White Clayed Sugar and of Sugar rendered equal in Quality to White Clayed Sugar, and of Yellow Muscovado or Brown Clayed Sugar, which shall be deemed to be Standard Samples for the Purpose of comparing therewith Sugars entered for Home Consumption; and no Sugar shall, as regards the Payment of Duty, be deemed to be White Clayed Sugar or Sugar rendered by any Process equal to White Clayed Sugar, unless equal to the Standard Samples of White Clayed Sugar or of Sugar rendered equal in Quality to White Clayed Sugar, or be deemed to be Yellow Muscovado or Brown Clayed Sugar or Sugar rendered by any Process equal to Yellow Muscovado or Brown Clayed Sugar, unless equal to the Standard Sample of Yellow Muscovado or Brown Clayed Sugar: It shall also be lawful for the Commissioners of Customs, if the Commissioners of the Treasury shall so direct, to furnish separate Samples for the Assessment of the Duties on Yellow Muscovado and on Brown Clayed Sugars, and also for the Assessment of the Duties upon Refined Sugar.

Commissioners of Customs to provide Standard Samples of White Clayed Sugar and Brown Clayed Sugar.

V. The

As to Metage Dues on Fruit.

V. The Metage Dues now payable upon Fruit imported into the Port of *London* shall not be increased in consequence of the Duties upon such Fruit being levied by the Bushel.

Entries of Arms, &c. to contain the Numbers and Description of the Articles.

VI. On the Entry of Arms and Ammunition of War, whether for Home Use, Exportation, or in Transit, the Number and Quantity of Articles of each Description, as denominated in Table (A.) to this Act, shall be stated in the Import, Export, or Transit Entry, as the Case may be.

Manufactures of Gibraltar, &c. from Foreign Materials deemed Foreign.

VII. All Manufactures of *Gibraltar*, *Malta*, and *Heligoland*, made of Materials of Foreign Produce liable to Duty upon Importation into the United Kingdom, upon which no such Duty has been paid, or upon which Drawback of such Duty has been allowed in the United Kingdom, shall, for the Purposes of Duty, be deemed and taken to be the Produce of and imported from a Foreign Country.

Recital of Acts hereby repealed.

VIII. The following Acts, viz., "The Customs Tariff Act, 1853," the Acts of the Seventeenth and Eighteenth Years of Her present Majesty, Chapters Twenty-eight and Twenty-nine, and the First and Fifth Sections of Chapter One hundred and twenty-two, and the Acts of the Eighteenth Year of Her said Majesty, Chapters Nine and Twenty-one, are hereby repealed, except as to anything done before the Commencement of this Act, and except so far as relates to any Arrears of Duty, or to any Drawback which shall have become due or payable, and except so far as may be necessary for the Purpose of supporting or continuing any Proceeding heretofore taken, or to be taken after the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed or any Forfeiture which shall have been incurred before the Commencement of this Act; and the Duties imposed by the several Acts in force at the Time of the passing of the Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and twenty-two, are hereby declared not to have been affected or repealed by that Act, except as to the Articles enumerated therein; and the Duties collected since the passing of that Act according to the Tables contained in the said several Acts and in that Act are hereby declared to have been legally charged and collected; and all Orders made by Her Majesty in Council, all Bonds taken or Licences granted, and all Things done under the Authority or in pursuance of any of the Acts or Parts of Acts hereby repealed, shall nevertheless be valid and effectual.

Orders, &c. under Acts repealed to be valid.

When Contracts have been enter-

IX. In the Event of any Increase or Decrease by Law in the Duties of Customs chargeable upon any Goods or Commodities after the making of any Contract or Agreement for the Sale or Delivery of such Goods Duty-paid, it shall be lawful for the Seller, in case such Increase shall accrue before the Clearance and Delivery from the Warehouse of such Goods at such increased Duty, and after Payment thereof, to add so much Money to the Contract Price as will be equivalent to such Increase of Duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the Purchaser under any such Contract or Agreement, in case such Decrease shall take effect before the Clearance and Delivery from the Warehouse at such decreased Duty, to deduct so much Money from the Contract Price as will be equivalent to such Decrease of Duty, and he shall not be liable to pay or be sued for or in respect of such Deduction.

ed into, Amount of increased or decreased Duty to be added or deducted.

X. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Tariff Act, 1855."

Short Title.

TABLE (A.)

Duties applicable to Great Britain and Ireland.

		£ s. d.
Agates or Cornelians, set	for every 100*l.* Value	10 0 0
not set, cut, or manufactured		Free.
not cut or manufactured		Free.
Albumen		Free.
Ale. See Beer.		
Alganobilla Seed		Free.
Alkali, not being Barilla		Free.
Alkanet Root		Free.
Almonds, not Jordan, nor Bitter	the cwt.	0 10 0
Jordan	the cwt.	0 10 0
Bitter		Free.
Paste of	the lb.	0 0 2
Aloes		Free.
Alum, Roch		Free.
not Roch		Free.
Amber, rough		Free.
Manufactures of, not enumerated (except Beads)		Free.
Ambergris		Free.
Amboyna Wood		Free.
Ammonia, Liquid		Free.
Sulphate of		Free.
Ammunition, viz.:—		
Shot, large and small, of Lead	the cwt.	0 2 0
of Iron	the cwt.	0 2 6
Rockets and other Combustibles, for Purposes of War, and not otherwise enumerated or described	for every 100*l.* Value thereof	10 0 0
Anchovies. See Fish.		
Angelica		Free.
Animals (living), viz.:—		
Asses		Free.
Goats		Free.
Kids		Free.
Oxen and Bulls		Free.
Cows		Free.
Calves		Free.
Horses, Mares, Geldings, Colts, Foals		Free.
Mules		Free.
Sheep		Free.
Lambs		Free.
Swine and Hogs		Free.
Pigs (Sucking)		Free.

		£ s. d.
Annatto, Roll and Flag		Free.
Antimony, viz. :—		
Ore of		Free.
Crude		Free.
Regulus		Free.
Apples, raw	the Bushel	0 0 3
of and from British Possessions	the Bushel	0 0 2
dried	the Bushel	0 1 0
Aquafortis		Free.
Argol		Free.
Aristolochia		Free.
Arms, viz. :—		
Swords, Cutlasses, Matchetts, Bayonets, Gun Barrels, Gun Locks, Cannon, and Mortars of Iron, not mounted nor accompanied with Carriages,	the cwt.	0 2 6
Cannon and Mortars of Brass, not mounted nor accompanied with Carriages,	the cwt.	0 10 0
Cannon and Mortars, mounted or accompanied with Carriages, and other Fire Arms, viz., Muskets, Rifles, Carbines, Fowling Pieces, or Guns of any other Sort not enumerated, and Pistols	for every 100*l.* Value thereof	10 0 0
Arrowroot	the cwt.	0 0 4½
Arsenic		Free.
Art, Works of, of whatever Metal		Free.
Ashes, viz. :—		
Pearl and Pot		Free.
Soap		Free.
Weed		Free.
Wood		Free.
not enumerated		Free.
Asphaltum or Bitumen Judaicum		Free.
Bacon		Free.
Balsams, viz. :—		
Canada		Free.
Capivi		Free.
Peru		Free.
Riga		Free.
Tolu		Free.
Balm of Gilead, and unenumerated Balsam		Free.
Bandstring Twist		Free.
Barilla		Free.
Bark for Tanners or Dyers Use		Free.
Cascarilla		Free.
Peruvian		Free.
of other Sorts		Free.
Extract of. See Extract.		
Barley, Pearled	the cwt.	0 0 4½
Barwood		Free.
Barytes, Sulphate of, ground		Free.

		£ s. d.
Basket Rods, peeled		Free.
unpeeled		Free.
Baskets	the Cubic Foot	0 0 4
Bast Ropes, Twines and Strands		Free.
Beads, viz. :—		
Arango	the lb.	0 0 2
and Bugles of Glass		Free.
Coral	the lb.	0 1 6
Crystal	the lb.	0 0 2
Jet	the lb.	0 0 2
not otherwise enumerated or described	the lb.	0 0 2
Beans, Kidney and French. See Seeds.		
Beef, salted		Free.
fresh or slightly salted		Free.
Beef Wood		Free.
Beer or Ale	the Barrel	1 0 0
Mum	the Barrel	1 0 0
Spruce	the Barrel	1 10 0
of other Sorts	the Barrel	1 0 0
Berries, viz. :—		
Bay		Free.
Juniper		Free.
Yellow		Free.
Myrobalan		Free.
unenumerated, commonly made use of in Chemical Processes		Free.
unenumerated, not commonly made use of in Chemical Processes		Free.
Birds, viz., Singing Birds		Free.
Biscuit and Bread	the cwt.	0 0 4½
Bitumen Judaicum. See Asphaltum.		
Blacking		Free.
Black Wood		Free.
Bladders		Free.
Bones (except Whale Fins), whether burnt or not, or as Animal Charcoal		Free.
Books, viz. :—		
being of Editions printed prior to the Year 1801, bound or unbound		Free.
being of Editions printed in or since the Year 1801, bound or unbound	the cwt.	1 10 0
admitted under Treaties of International Copyright, or if of and from any British Possession	the cwt.	0 15 0
Boracic Acid		Free.
Borax, refined		Free.
or Tincal, unrefined		Free.
Bottles of Earth and Stone		Free.

		£ s. d.
Boxes, viz. :—		
Brass	the cwt.	1 10 0
not otherwise charged with Duty,	for every 100*l.* Value	10 0 0
Box Wood		Free.
Bran		Free.
Brass, Manufactures of, not otherwise enumerated,	the cwt.	0 10 0
Powder of		Free.
old, fit only to be re-manufactured		Free.
Wire		Free.
Brazil Wood		Free.
Brazilletto Wood		Free.
Bricks or Clinkers, Dutch		Free.
other Sorts		Free.
Brimstone, unrefined		Free.
refined, in Rolls		Free.
in Flour		Free.
Bristles, rough and in the Tufts, and not in any way sorted		Free.
in any way sorted or arranged in Colours, and not entirely rough and in the Tufts		Free.
Brocade of Gold and Silver	the lb.	0 5 0
Bronze, all Works of Art		Free.
Manufactures of, or of Metal bronzed or lacquered,	the cwt.	0 10 0
Powder		Free.
Brushes, Paint		Free.
Bullion and Foreign Coin, of Gold or Silver		Free.
Bullrushes		Free.
Butter	the cwt.	0 5 0
of and from a British Possession	the cwt.	0 2 6
Buttons, and Studs, of Metal		Free.
other Sorts		Free.
Cables (not being Iron Cables), tarred or untarred, old and new		Free.
Cameos, not set		Free.
Camomile Flowers		Free.
Camphor, unrefined		Free.
refined		Free.
Camwood		Free.
Candles, viz., Spermaceti	the cwt.	0 2 4
Stearine, till the 5th April 1858, unless the Duty upon Tallow shall be repealed at an earlier Time, in which Case, or after the 5th April 1858, this Duty shall be reduced to the same Rate as Tallow Candles,	the cwt.	0 3 6
Tallow	the cwt.	0 2 4
Wax	the cwt.	0 2 4
Candlewick		Free.
Canella Alba		Free.

		£ s. d.
Canes, viz., Bamboo		Free.
Rattans, not ground		Free.
Reed Canes		Free.
Walking Canes or Sticks, mounted, painted, or otherwise ornamented	the 100	0 6 0
Umbrella and Parasol Sticks	the 100	0 3 0
or Sticks, unenumerated		Free.
Cantharides		Free.
Caoutchouc		Free.
Manufactures of	the lb.	0 0 4
Capers, including the Pickle	the lb.	0 0 1½
Cardamoms		Free.
Cards, viz., Playing Cards	the Dozen Packs	0 15 0
Carmine		Free.
Carriages of all Sorts		Free.
Casks, empty		Free.
Cassava Powder	the cwt.	0 0 4½
Cassia, viz., Buds		Free.
Fistula		Free.
Lignea	the lb.	0 0 1
Castor		Free.
Casts of Busts, Statues, or Figures		Free.
Catlings		Free.
Caviare		Free.
Cedar Wood		Free.
Chalk, viz., unmanufactured		Free.
prepared or manufactured, and not otherwise enumerated		Free.
Cheese	the cwt.	0 2 6
of and from British Possessions	the cwt.	0 1 6
The Duty on Cheese to be charged on landing Weight.		
Cherries, raw	the Bushel	0 0 2
dried, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 0 2½
for the following Twelve Months after such 5th Day of April	the lb.	0 0 2
thereafter	the lb.	0 0 1½
Cherry Wood		Free.
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee, viz. :—		
raw or kiln-dried		Free.
roasted or ground, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a Definitive Treaty of Peace with Russia	the lb.	0 0 5
thereafter	the lb.	0 0 4
China Root		Free.

		£ s. d.
China or Porcelain Ware, plain, painted, gilt and ornamented	the Cwt.	0 10 0
Chip or Willow for platting		Free.
Chloroform	the lb.	0 3 0
Cider		Free.
Cinnabaris nativa		Free.
Cinnamon	the lb.	0 0 2
Citrate of Lime		Free.
Citric Acid		Free.
Citron preserved with Salt		Free.
Civet		Free.
Clocks, viz., not exceeding the Value of 5*s.* each	the Dozen	0 4 0
exceeding the Value of 5*s.* and not exceeding the Value of 12*s.* 6*d.* each	the Dozen	0 8 0
exceeding the Value of 12*s.* 6*d.* and not exceeding the Value of 3*l.* each	each	0 2 0
exceeding the Value of 3*l.* and not exceeding the Value of 10*l.* each	each	0 4 0
exceeding the Value of 10*l.* each	each	0 10 0
Cloves	the lb.	0 0 2
Coals, Culm, or Cinders		Free.
Cobalt		Free.
Ore of		Free.
Oxide of		Free.
Cochineal		Free.
Granilla		Free.
Dust		Free.
Cochinella Wood		Free.
Cocoa	the lb.	0 0 1
Husks and Shells	the cwt.	0 2 0
Paste or Chocolate	the lb.	0 0 2
Coculus Indicus	the cwt.	0 5 0
Coffee, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 0 4
thereafter	the lb.	0 0 3
kiln-dried, roasted, or ground, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 0 5
thereafter	the lb.	0 0 4
A Drawback shall be allowed on all roasted Coffee exported as Ship's Stores or removed to the Isle of Man for Consumption there, equal in Amount to the Import Duty on raw Coffee.		
Coir, Rope, Twine, and Strands		Free.
Colocynth		Free.

		£ s. d.
Columbo Root		Free.
Comfits, dry, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 0 2½
for the following Twelve Months after such 5th Day of April	the lb.	0 0 2
thereafter	the lb.	0 0 1½
Confectionery, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 0 2½
for the following Twelve Months after such 5th Day of April	the lb.	0 0 2
thereafter	the lb.	0 0 1½
Copper, Ore of		Free.
Regulus of		Free.
old, fit only to be re-manufactured		Free.
unwrought, viz., in Bricks or Pigs, Rose Copper, and all cast Copper		Free.
part wrought, viz., Bars, Rods, or Ingots hammered		Free.
or raised		Free.
in Plates and Copper Coin		Free.
Wire		Free.
Manufactures of, not otherwise enumerated or described, and Copper Plates engraved,	the cwt.	0 10 0
Copperas, Blue		Free.
Green		Free.
White		Free.
Coral, viz., Beads. (See Beads.)		
in Fragments		Free.
whole, polished		Free.
unpolished		Free.
Negligees	the lb.	0 1 0
Cordage		Free.
Cork		Free.
Corks, ready made	the lb.	0 0 6
squared for rounding	the cwt.	0 8 0
Fishermen's		Free.
Corn, Grain, Meal, and Flour, viz. :—		
Wheat	the Quarter	0 1 0
Barley	the Quarter	0 1 0
Oats	the Quarter	0 1 0
Rye	the Quarter	0 1 0
Pease	the Quarter	0 1 0
Beans	the Quarter	0 1 0
Maize or Indian Corn	the Quarter	0 1 0
Buck Wheat	the Quarter	0 1 0
Bear or Bigg	the Quarter	0 1 0
Wheat Meal and Flour	the cwt.	0 0 4½

Article	Rate	£	s.	d.
Corn, &c.—*continued.*				
Barley Meal	the cwt.	0	0	4½
Oat Meal and Groats	the cwt.	0	0	4½
Rye Meal and Flour	the cwt.	0	0	4½
Pea Meal	the cwt.	0	0	4½
Bean Meal	the cwt.	0	0	4½
Maize or Indian Corn Meal	the cwt.	0	0	4½
Buck Wheat Meal	the cwt.	0	0	4½
Cowries			Free.	
Cotton Manufactures, viz.:—				
East India Piece Goods, viz.:—				
Calicoes and Muslins, White			Free.	
dyed or coloured			Free.	
Nankeens, not dyed or coloured			Free.	
dyed or coloured			Free.	
Handkerchiefs, dyed or coloured			Free.	
Manufactures, not being Articles wholly or in part made up, not otherwise charged with Duty			Free.	
Wool. See Wool.				
Yarn			Free.	
Fringe	the lb.	0	0	2
Gloves, of Cotton or Thread,	the Dozen Pairs	0	0	3
Stockings, of Cotton or Thread,	the Dozen Pairs	0	0	6
Socks, or Half Hose of Cotton or Thread	the Dozen Pairs	0	0	3
Articles or Manufactures of Cotton, wholly or in part made up, not otherwise charged with Duty	for every 100*l.* Value	5	0	0
Cranberries			Free.	
Crayons			Free.	
Cream of Tartar			Free.	
Crystal, viz.:—				
rough			Free.	
cut or manufactured, except Beads			Free.	
Cubebs			Free.	
Cubic Nitre. See Nitre.				
Cucumbers, viz., preserved in Salt			Free.	
Currants	the cwt.	0	15	0
	and 5 per Cent. thereon.			
Cutch			Free.	
Daguerreotype Plates	the lb.	0	0	3
Dates	the cwt.	0	10	0
Diamonds			Free.	
Dice	the Pair	1	1	0
Divi Divi			Free.	
Down			Free.	
Drugs, not enumerated			Free.	
Earthenware, not otherwise enumerated or described	the cwt.	0	10	0
Ebony			Free.	

		£	*s.*	*d.*
Eggs, the Cubic Foot of the Package, internal Measurement, of and from British Possessions		0	0	8
the Cubic Foot of the Package, internal Measurement		0	0	4
Elder Flower Water		Free.		
Embroidery and Needlework, viz. :—				
On Silk, or Silk mixed with other Materials, not being Silk Net	for every 100*l.* Value	15	0	0
of and from British Possessions	for every 100*l.* Value	5	0	0
Silk Net, figured with the Needle, being Imitation Lace, and Articles thereof	the lb.	0	10	0
Cotton Net, figured with the Needle, being Imitation Lace, and Articles thereof	the lb.	0	8	0
Curtains, commonly called Swiss, embroidered on Muslin or Net	the lb.	0	1	0
All other Embroidery not enumerated	for every 100*l.* Value	10	0	0
of and from British Possessions	for every 100*l.* Value	5	0	0
Enamel		Free.		
Essence of Spruce	for every 100*l.* Value	10	0	0
Extract of Cardamoms	for every 100*l.* Value	20	0	0
Coculus Indicus	for every 100*l.* Value	20	0	0
Guinea Grains of Paradise	for every 100*l.* Value	20	0	0
Licorice	for every 100*l.* Value	20	0	0
Nux Vomica	for every 100*l.* Value	20	0	0
Opium	for every 100*l.* Value	20	0	0
Guinea Pepper	for every 100*l.* Value	20	0	0
Peruvian or Jesuit's Bark	for every 100*l.* Value	20	0	0
Quassia	for every 100*l.* Value	20	0	0
Radix Rhataniæ	for every 100*l.* Value	20	0	0
Vitriol	for every 100*l.* Value	20	0	0
Chesnut Bark or Wood		Free.		
Quercitron Bark		Free.		
Logwood		Free.		
Safflower		Free.		
Bark, or of other Vegetable Substances to be used for tanning or other manufacturing Purposes		Free.		
or Preparation of any Article, not particularly enumerated, nor otherwise charged with Duty	for every 100*l.* Value	20	0	0
or, and in lieu of the above Duty, at the Option of the Importer	the lb.	0	5	0
Feathers for Beds, in Beds or otherwise		Free.		
Ostrich, dressed	the lb.	0	3	0
undressed		Free.		
Paddy Bird, dressed	the lb.	0	3	0
undressed		Free.		

Feathers, &c.—*continued.*		£ s. d.
not otherwise enumerated or described, viz. :—		
dressed	the lb.	0 3 0
undressed		Free.
Figs	the cwt.	0 15 0
		and 5 per Cent. thereon.
Fig Cake	the cwt.	0 15 0
Fish, viz. :—		
Anchovies		Free.
Cod		Free.
Caplin		Free.
Eels, Shiploads		Free.
in small Quantities		Free.
Herrings		Free.
Lobsters		Free.
Mackarel		Free.
Oysters		Free.
Salmon		Free.
Soles		Free.
Sounds and Tongues		Free.
Turbots		Free.
Turtle		Free.
fresh, not otherwise enumerated		Free.
cured, not otherwise enumerated		Free.
Flax, dressed		Free.
rough or undressed		Free.
Tow and Codilla of		Free.
Flock for Paper Stainers		Free.
Flocks		Free.
Flower Roots		Free.
Flowers, Artificial, whether of Silk or of other Materials, per Cubic Foot as packed; no Allowance for vacant Spaces	the Cubic Foot	0 12 0
Frames for Pictures, Prints, Drawings, or Mirrors		Free.
Fruit, viz., raw, not otherwise enumerated	the Bushel	0 0 2
Furniture Woods, not particularly enumerated, except Ash, Beech, Birch, Elm, Oak, Wainscot		Free.
Fustic		Free.
Gallic Powder		Free.
Galls		Free.
Gamboge		Free.
Garancine		Free.
Garnets, cut, not set		Free.
uncut		Free.
Gauze of Thread		Free.
Gelatine		Free.
Gentian		Free.
Ginger	the cwt.	0 5 0
preserved, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 0 2½

		£ s. d.
Ginger—*continued.*		
for the following Twelve Months after such 5th Day of April	the lb.	0 0 2
thereafter	the lb.	0 0 1
Ginseng		Free.
Glass, viz. :—		
Any kind of Window Glass, White, or stained of One Colour only (except Plate or Rolled Glass), and Shades and Cylinders, until the 5th April 1857 inclusive	the cwt.	0 1 6
from and after 5th April 1857		Free.
Flint Cut Glass, Flint Coloured Glass, and Fancy Ornamental Glass, of whatever Kind	the cwt.	0 10 0
Plate Glass, cast or rolled, of whatever Thickness, whether silvered, polished, or rough, and silvered Glass not otherwise enumerated		Free.
Painted		Free.
White Flint Glass Bottles, not cut, engraved, or otherwise ornamented		Free.
Beads and Bugles. See Beads.		
Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented		Free.
Bottles of Glass covered with Wicker (not being Cut Glass) or of Green or Common Glass		Free.
Articles of Green or Common Glass		Free.
Manufactures, not otherwise enumerated or described, and old broken Glass fit only to be remanufactured		Free.
Glue		Free.
Clippings or Waste of any Kind fit only for Glue		Free.
Gold, Leaves of		Free.
Ore of, and Ore of which the greater Part in Value is Gold		Free.
Gongs	the cwt.	1 0 0
Grains, Guinea, and of Paradise	the cwt.	0 15 0
Grapes	the bushel	0 0 2
Grease		Free.
Greaves, for Dogs		Free.
Tallow		Free.
Guano		Free.
Gum, viz. :—		
Animi		Free.
Copal		Free.
Arabic		Free.
Senegal		Free.
Lac Dye		Free.
Seed Lac		Free.
Shellac		Free.
Sticklac		Free.
Ammoniacum		Free.

		£ s. d.
Gum—*continued.*		
Asafœtida		Free.
Euphorbium		Free.
Guiacum		Free.
Kino		Free.
Mastic		Free.
Tragacanth		Free.
unenumerated		Free.
Gunpowder		Free.
Gun Stocks in the rough, of Wood		Free.
Gutta Percha		Free.
Manufactures of, not moulded, such as Bands, Sheets, Soles, Tubing	the cwt.	0 5 0
Articles moulded	the lb.	0 0 2
Gypsum		Free.
Hair, viz. :—		
Camel's Hair or Wool		Free.
Cow, Ox, Bull, or Elk Hair		Free.
Goat's Hair or Wool. See Wool.		
Horse Hair		Free.
Human Hair		Free.
unenumerated		Free.
Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, not particularly enumerated or otherwise charged with Duty		Free.
Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, wholly or in part made up, not particularly enumerated or otherwise charged with Duty	for every 100*l.* Value	5 0 0
Hams, of all Kinds		Free.
Harp-strings or Lute-strings, silvered		Free.
Hats or Bonnets, viz. :—		
of Chip	the lb.	0 2 6
of Bast, Cane, or Horsehair	the lb.	0 2 6
of Straw	the lb.	0 2 6
of Felt, Hair, Wool, or Beaver	each	0 1 0
Hats of Silk or Silk Shag, laid upon Felt, Linen, or other Material	each	0 1 0
Hay		Free.
Heath for Brushes		Free.
Hellebore		Free.
Hemp, viz. :—		
dressed		Free.
rough or undressed		Free.
Tow and Codilla of Hemp		Free.
Jute		Free.
other Vegetable Substances of the Nature and Quality of undressed Hemp and applicable to the same Purposes		Free.

		£ s. d.
Hides, not tanned, tawed, curried, or in any way dressed,		
dry		Free.
wet		Free.
tawed, curried, or in any way dressed, not being varnished, japanned or enamelled		Free.
if varnished, japanned, or enamelled		Free.
Losh Hides		Free.
Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved, or otherwise dressed		Free.
or Pieces thereof, raw or undressed, unenumerated		Free.
in any way dressed, not otherwise enumerated		Free.
Tails, Buffalo, Bull, Cow, or Ox		Free.
tanned, not otherwise dressed		Free.
Hones		Free.
Honey		Free.
Hoofs of Cattle		Free.
Hoops of Wood. See Wood.		
Hops, until the 1st August 1855	the cwt.	1 0 0
from and after that Date	the cwt.	2 5 0
Horns, Horn Tips, and Pieces of Horn		Free.
Ice		Free.
Indigo		Free.
Ink for Printers		Free.
Indian		Free.
Inkle, unwrought		Free.
wrought		Free.
Iron, Ore of		Free.
Pig		Free.
Bars, unwrought		Free.
Wire		Free.
Rough Castings		Free.
Bloom		Free.
Chromate of		Free.
Slit or hammered into Rods		Free.
Cast		Free.
Hoops		Free.
Old broken and old Cast Iron		Free.
Iron and Steel, wrought or manufactured, except Arms and Ammunition, viz.:—		
Machinery, Wrought Castings, Tools, Cutlery, and other Manufactures of Iron or Steel, not enumerated	the cwt.	0 2 6
Fancy ornamental Articles of Iron or Steel	the cwt.	0 15 0
Manufactures of, coated with Brass or Copper by any Galvanic Process	the cwt.	0 3 6
Isinglass		Free.
Jalap		Free.

		£	s.	d.
Japanned or Lacquered Ware	the cwt.	1	0	0
Jet			Free.	
Jewels, Emeralds, and all other precious Stones, set	for every 100*l.* Value	10	0	0
unset			Free.	
Juice of Lemons, Limes, or Oranges			Free.	
Kernels. See Nuts.				
Kingwood			Free.	
Lace, and Articles thereof, viz. :—				
Mohair or Worsted	the lb.	0	1	0
Thread or Cotton Pillow Lace (not being Brussels Point or Saxon Bone Lace), not exceeding One Inch in Width	the lb.	1	0	0
exceeding One Inch in Width	the lb.	2	0	0
Silk Pillow Lace (not being Saxon Wire Ground Lace) and Application	the lb.	1	10	0
Silk Saxon Wire Ground Lace, and all Lace known as Maltese	the lb.	0	8	0
Brussels Point and other Lace, made by the Hand, not otherwise charged with Duty	for every 100*l.* Value	10	0	0
Lacquered Ware. See Japanned Ware.				
Lamp Black			Free.	
Lapis Calaminaris			Free.	
Lard			Free.	
Latten			Free.	
Shaven			Free.	
Wire			Free.	
Lavender Flowers			Free.	
Lead, Ore of			Free.	
Black			Free.	
Pig and Sheet			Free.	
Red			Free.	
White			Free.	
Chromate of			Free.	
Manufactures of, not otherwise enumerated,	the cwt.	0	2	0
Leather Manufactures, viz. :—				
Boots, Shoes, and Calashes, viz.				
Women's Boots and Calashes,	the Dozen Pairs	0	6	0
If lined or trimmed with Fur or other Trimmings,	the Dozen Pairs	0	7	6
Shoes, with Cork or Double Soles, quilted Shoes, and Clogs,	the Dozen Pairs	0	5	0
If trimmed or lined with Fur or any other Trimming,	the Dozen Pairs	0	6	0
Of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather	the Dozen Pairs	0	4	6
If trimmed or lined with Fur or any other Trimming,	the Dozen Pairs	0	5	0

	£ s. d.
Leather Manufactures—*continued.*	
Boots, Shoes, and Calashes—*continued.*	
Girls Boots, Shoes, and Calashes, not exceeding Seven Inches in length, to be charged with Two Thirds of the above Duties.	
Men's Boots and Shoes :—	
If the Quarter do not exceed Two and Three Quarter Inches, or the Vamp Four Inches in Height from the Sole Inside, the Dozen Pairs	0 7 0
If either the Quarter or Vamp exceed the above Dimensions, but do not exceed Six Inches in Height from the Sole Inside, the Dozen Pairs	0 10 6
If either the Quarter or Vamp do exceed Six Inches in Height from the Sole Inside the Dozen Pairs	0 14 0
Boy's Boots, not exceeding Seven Inches in Length the Dozen Pairs	0 9 4
Shoes, not exceeding Seven Inches in Length the Dozen Pairs	0 4 8
Boot Fronts, not exceeding Nine Inches in Height the Dozen Pairs	0 1 9
exceeding Nine Inches in Height the Dozen Pairs	0 2 9
Boot Backs . . the Dozen Pairs	0 1 6
Cut into Shapes . . . the cwt.	0 10 0
Gloves of Leather, the following Duties, with 5 per Cent. thereon, viz. :—	
Habit Mitts . . the Dozen Pairs	0 2 4
Gloves . . the Dozen Pairs	0 3 6
Men's Gloves . . the Dozen Pairs	0 3 6
Women's Gloves or Mitts the Dozen Pairs	0 4 6
Any Articles made of Leather or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described, for every 100*l.* Value	10 0 0
Leaves of Gold. See Gold.	
Leaves of Roses	Free.
Leeches	Free.
Lentils. See Seeds.	
Lignum vitæ	Free.
Linen or Linen and Cotton Manufactures, viz. :—	
Cambric Handkerchiefs, hemmed or hem-stitched, not trimmed . . . the Dozen	0 2 6
Articles, Manufactures of Linen, or of Linen mixed with Cotton or Wool, wholly or in part made up, not particularly enumerated or otherwise charged with Duty . . for every 100*l.* Value	5 0 0
Cambrics and Lawns commonly called French Lawns, plain	Free.
bordered Handkerchiefs . . .	Free.

Linen or Linen and Cotton Manufactures—*continued.*		£ s. d.
Lawns of any sort, not French		Free.
Damasks		Free.
Damask Diaper		Free.
Sails of all Sorts		Free.
Plain Linens and Diaper, whether chequered or striped with dyed Yarn or not		Free.
Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with Duty, not being Articles wholly or in part made up		Free.
Liquorice Paste	the cwt.	1 0 0
of and from British Possessions	the cwt.	0 10 0
Powder	the cwt.	1 0 0
of and from British Possessions	the cwt.	0 15 0
Root, until 5th April 1857 inclusive	the cwt.	0 5 0
from and after 5th April 1857		Free.
Juice	the cwt.	1 0 0
Litharge		Free.
Live Creatures illustrative of Natural History		Free.
Logwood		Free.
Lucifers of Wood, the Cubic Foot of the external Package, measured internally		0 0 4
Vesta of Wax, in Boxes not exceeding 1,000 Matches	the Doz. Boxes	0 0 6
in Boxes exceeding 1,000 Matches	the 1,000 Matches	0 0 0½
Maccaroni. See Vermicelli.		
Mace	the lb.	0 1 0
Madder		Free.
Root		Free.
Magna Græcia Ware		Free.
Mahogany		Free.
Mandioca Flour	the cwt.	0 0 4½
Manganese, Ore of		Free.
Manna		Free.
Manna Croup	the cwt.	0 0 4½
Manures not enumerated		Free.
Manuscripts		Free.
Maps or Charts, or Parts thereof, plain or coloured		Free.
Maple Wood		Free.
Marmalade, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 0 2½
for the following Twelve Months after such 5th Day of April	the lb.	0 0 2
thereafter	the lb.	0 0 1½
Mats and Matting		Free.
Mattresses		Free.
Mead or Metheglin		Free.

		£	s.	d.
Meat, salted or fresh, not otherwise described		Free.		
preserved in any other Way than salted		Free.		
Medals of Gold or Silver		Free.		
of any other Sort		Free.		
Medlars	the Bushel	0	0	2
Mercury, prepared		Free.		
Metal, Bell		Free.		
Leaf, not Gold		Free.		
Mill-boards	the lb.	0	0	2½
Minerals and Fossils, unenumerated		Free.		
Models of Cork or Wood		Free.		
Morphia and its Salts	the lb.	0	10	0
Moss, viz. :—				
Lichen Islandicus		Free.		
Rock, for Dyers Use		Free.		
other than Rock or Iceland Moss		Free.		
Mother-o'Pearl Shells		Free.		
Musical Instruments, viz. :—				
Musical Boxes, small, not exceeding Four Inches in Length	the Air	0	0	3
large	the Air	0	0	8
Overtures, or extra Accompaniments	the Air	0	2	6
Pianofortes, horizontal grand	each	3	0	0
upright or square	each	2	0	0
Harmoniums or Seraphines	each	0	12	0
Accordions, commonly called Chinese	the 100 Notes	0	1	0
other Sorts, including Flutinas and Concertinas	the 100 Notes	0	5	0
Brass Instruments, all Sorts	the lb.	0	0	9
Musical Instruments, not otherwise enumerated or described	for every 100*l.* Value	10	0	0
Musk		Free.		
Mustard Flour	the cwt.	0	1	6
mixed or manufactured, except Flour	the cwt.	0	5	0
Myrobalans. See Berries.				
Myrrh		Free.		
Naphtha		Free.		
New Zealand Wood		Free.		
Nicaragua Wood		Free.		
Nickel, Ore of		Free.		
metallic, and Oxide of, refined		Free.		
Arseniate of, in Lumps or Powder, being in an unrefined state		Free.		
Nitre, viz., Cubic Nitre		Free.		
Nutmegs, except those commonly called Wild	the lb.	0	1	0
Wild, in the shell	the lb.	0	0	3
not in the Shell	the lb.	0	0	5
or other Spices or Admixtures thereof, ground	the lb.	0	1	0

		£	s.	d.
Nuts, viz.:—				
Chesnuts		Free.		
Cocoa Nuts		Free.		
Pistachio Nuts		Free.		
Small Nuts	the Bushel	0	1	0
Walnuts	the Bushel	0	1	0
Nuts and Kernels of Walnuts, of Peach Stones, and all Nuts and Kernels unenumerated, commonly used for expressing Oil therefrom		Free.		
Nuts and Kernels unenumerated		Free		
Nux Vomica	the cwt.	0	2	0
Oakum		Free.		
Ochre		Free.		
Oil of Almonds	the lb.	0	0	1
Animal		Free.		
Bays	the lb.	0	0	1
Castor		Free.		
Chemical, Essential, or Perfumed, viz.:—				
Bergamot	the lb.	0	1	0
Carraway	the lb.	0	1	0
Cassia	the lb.	0	1	0
Cloves	the lb.	0	1	0
Lavender	the lb.	0	1	0
Lemon	the lb.	0	1	0
Mint and Spearmint	the lb.	0	1	0
Oil or Otto of Roses	the lb.	0	1	0
Peppermint	the lb.	0	1	0
Spike	the lb.	0	1	0
Thyme	the lb.	0	1	0
unenumerated	the lb.	0	1	0
Cocoa Nut		Free.		
Hempseed		Free.		
Lard		Free.		
Linseed		Free.		
Olive		Free.		
Palm		Free.		
Paran		Free.		
Rapeseed		Free.		
Rock		Free.		
Rosin		Free.		
Seed, unenumerated		Free.		
Train Oil or Blubber		Free.		
Spermaceti, or Head Matter		Free.		
Walnut		Free.		
or Spirit of Turpentine		Free.		
not particularly enumerated or described nor otherwise charged with Duty		Free.		
Oilseed Cake		Free.		
Oilcloth	the Square Yard	0	0	1½
Olibanum		Free.		

		£	s.	d.
Olives		Free.		
Olive Wood		Free.		
Onions	the Bushel	0	0	1
Opera Glasses, single	each	0	1	0
double, and all Marine and Race Glasses, not being Telescopes	each	0	2	6
Opium	the lb.	0	1	0
Orange Flower Water		Free.		
Oranges and Lemons	the Bushel	0	0	8
Peel of, viz. :—				
Orange Peel		Free.		
Lemon Peel		Free.		
Orchal		Free.		
Ore, unenumerated		Free.		
Orpiment		Free.		
Orris Root		Free.		
Orsedew		Free.		
Painters Colours, unenumerated, viz. :—				
unmanufactured		Free.		
manufactured		Free.		
Palmetto Thatch		Free.		
Manufactures of		Free.		
Paper, viz. :—				
brown Paper, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith	the lb.	0	0	2½
printed, painted, or stained Paper Hangings, or Flock Paper	the lb.	0	0	3
gilt, stained, coloured, embossed, and all Fancy Kinds, not being Paper Hangings	the lb.	0	0	2½
waste Paper, or Paper of any other Sort, not particularly enumerated or described, not otherwise charged with Duty	the lb.	0	0	2½
Parchment		Free.		
Partridge Wood		Free.		
Pasteboard	the lb.	0	0	2½
Pearls		Free.		
Pears, raw	the Bushel	0	0	3
dried	the Bushel	0	1	0
Pencils, of Slate		Free.		
not of Slate		Free.		
Pens		Free.		
Pepper of all Sorts	the lb.	0	0	6
	and 5 per Cent. thereon.			
Percussion Caps	the 1,000	0	0	1
Perfumery, not otherwise enumerated	the lb.	0	0	2
Perry		Free.		
Pewter, Manufactures of, not otherwise enumerated	the cwt.	0	2	0
Phosphorus		Free.		

		£	s.	d.
Pickles, preserved in Vinegar	the Gallon	0	0	1
and Vegetables, preserved in Salt			Free.	
Pictures			Free.	
Pimento	the cwt.	0	5	0
Pink Root			Free.	
Pipes of Clay. See Tobacco Pipes.				
Pitch			Free.	
Burgundy			Free.	
Plantains			Free.	
Plants, Shrubs, and Trees, alive			Free.	
Plaster of Paris			Free.	
Plate, of Gold	the oz. Troy	1	1	0
of Silver, gilt or ungilt	the oz. Troy	0	1	8
battered			Free.	
Platina, and Ore of			Free.	
Platting, viz. :—				
of Chip, not being of greater Value than Sixpence per Piece of 60 Yards	the lb.	0	0	6
or other Manufactures of Straw, Chip, or other Materials to be used in or proper for making or ornamenting Hats or Bonnets, not otherwise enumerated or charged with Duty	the lb.	0	2	0
Cordonet, single, and Twist of Straw or of other materials	the lb.	0	0	6
Willow Squares	the cwt.	0	10	0
Plums, commonly called French Plums, and Prunellos	the cwt.	0	15	0
dried or preserved (except in Sugar), not otherwise described	the cwt.	0	15	0
preserved in Sugar, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Pollard			Free.	
Pomatum	the lb.	0	0	2
Pomegranates			Free.	
Peel of			Free.	
Pork, salted (not Hams)			Free.	
fresh			Free.	
Potash, Prussiate of			Free.	
Sulphate of			Free.	
Potatoes			Free.	
Potato Flour	the cwt.	0	0	4½
Pots, viz. :—				
Melting Pots for Goldsmiths			Free.	
of Stone			Free.	

		£ s. d.
Poultry and Game, alive or dead, including Rabbits		Free.
Powder, viz. :—		
Hair Powder	the lb.	0 0 2
perfumed	the lb.	0 0 2
not otherwise enumerated or described, that will serve the same Purpose as Starch	the cwt.	0 0 4½
Prints and Drawings, viz. :—		
plain or coloured	the lb.	0 0 3
admitted under Treaties of International Copyright	the lb.	0 0 1½
or, and at the Option of the Importer,		
single	each	0 0 0½
bound	the Dozen	0 0 1½
Prunes	the cwt.	0 7 0
Puddings. See Sausages.		
Purple Wood		Free.
Quassia	the cwt.	0 1 0
Quicksilver		Free.
Quills, viz., Goose		Free.
Swan		Free.
Quinces	the Bushel	0 0 3
Quinine, Sulphate of	the oz.	0 0 6
Radix Contrayervæ		Free.
Enulæ Campanæ		Free.
Eringii		Free.
Ipecacuanhæ		Free.
Rhataniæ		Free.
Senekæ		Free.
Serpentariæ, or Snake Root		Free.
Rags, viz. :—		
Rags, old Ropes or Junk, old Fishing Nets, fit only for making Paper or Pasteboard		Free.
Woollen Rags		Free.
Pulp of Rags		Free.
Raisins	the cwt.	0 10 0
Rape of Grapes		Free.
Red Wood or Guinea Wood		Free.
Rhubarb		Free.
Rice, viz. :—		
not rough or in the Husk	the cwt.	0 0 4½
rough and in the Husk	the qr.	0 0 9
Dust for feeding Cattle		Free.

Upon Exportation from the United Kingdom of any Foreign Rice or Paddy cleaned therein, which shall have paid the Duties payable on the Importation thereof, and having been deposited in some Bonded Warehouse within One Calendar Month from the Date of such Payment, shall have there remained secured until the Time of Exportation, the

Rice—*continued.*

Exporter making Declaration that such Rice was cleaned from rough Rice or Paddy upon which the Duties had been paid, there shall be allowed and paid for every Hundredweight thereof a Drawback equal in amount to the Duty paid on every Four Bushels of the Rough Rice or Paddy from which the same shall have been cleaned.

		£ s. d.
Rose Water		Free.
Rose Wood		Free.
Rosin		Free.
Oil of. See Oil.		
Saccharum Saturni		Free.
Safflower		Free.
Saffron		Free.
Sago	the cwt.	0 0 4½
Sal, viz. :—		
Ammoniac		Free.
Limonum		Free.
Prunellæ		Free.
Salep, or Salop		Free.
Salicine	the oz.	0 0 3
Salt		Free.
Saltpetre		Free.
Sanguis Draconis		Free.
Santa Maria Wood		Free.
Sapan Wood		Free.
Sarsaparilla		Free.
Sassafras		Free.
Satin Wood		Free.
Sauces, not otherwise enumerated	the lb.	0 0 1
Saunders, viz. :—		
Red		Free.
White or Yellow		Free.
Sausages or Puddings		Free.
Scaleboards	the cwt.	0 1 0
Scammony		Free.
Seeds, viz. :—		
Acorns		Free.
Aniseed		Free.
Beans, Kidney or French		Free.
Burnet		Free.
Canary		Free.
Carraway	the cwt.	0 5 0
of and from British Possessions	the cwt.	0 2 6
Carrot		Free.
Clover		Free.
Colchicum		Free.
Cole		Free.
Coriander		Free.
Croton		Free.

		£ s. d.
Seeds—*continued.*		
Cummin		Free.
Dari		Free.
Fenugreek		Free.
Flax		Free.
Forest		Free.
Garden, unenumerated		Free.
Grass Seeds of all Sorts		Free.
Hemp		Free.
Leek		Free.
Lentils		Free.
Lettuce		Free.
Linseed		Free.
Lucerne		Free.
Lupine		Free.
Maw		Free.
Millett		Free.
Mustard		Free.
Onion		Free.
Parsley		Free.
Poppy		Free.
Quince		Free.
Rape		Free.
Sesamum		Free.
Shrub or Tree		Free.
Tares		Free.
Trefoil		Free.
Worm		Free.
All Seeds unenumerated, commonly used for expressing Oil therefrom		Free.
All other Seeds, not particularly enumerated or described, nor otherwise charged with Duty		Free.
Semolina	the cwt.	0 0 4½
Senna		Free.
Ships, with their Tackle, Apparel, and Furniture (except Sails), broken up or to be broken up, viz. :—		
Foreign	for every 100*l.* Value	5 0 0
British Ships, or Vessels entitled to be registered as such, not having been built in the United Kingdom		Free.
Shumach		Free.
Silk, viz. :—		
Knubs or Husks of Silk and Waste Silk		Free.
Raw Silk		Free.
Thrown Silk, not dyed, Singles		Free.
Tram		Free.
Organzine or Crape		Free.
Dyed, Single or Tram		Free.
Organzine or Crape		Free.
Millinery of Silk, or of which the greater part of the Material is of Silk, viz. :—		

Article	Rate	£	s.	d.
Silk—*continued.*				
Millinery of Silk—*continued.*				
Turbans or Caps	each	0	3	6
Hats or Bonnets	each	0	7	0
Dresses	each	1	10	0
Corahs, Choppas, Bandannas, Tussore Cloths, Romals and Taffaties, viz. :—				
in Pieces not exceeding 6¼ Yards in Length	the Piece	0	0	6
exceeding 6¼ and not exceeding 7¼ Yards in Length	the Piece	0	0	8
exceeding 7¼ and not exceeding 12 Yards in Length	the Piece	0	0	10
China Crape Shawls, Scarfs, Handkerchiefs, and Pieces, viz. :—				
plain and Damask	the lb.	0	3	0
embroidered	the lb.	0	5	0
Damask	the running Yard	0	0	8
Pongees, viz. :—				
in Pieces not exceeding 15 Yards in Length	the Piece	0	2	0
exceeding 15 Yards and not exceeding 21 Yards in Length	the Piece	0	3	0
exceeding 21 Yards and not exceeding 31 Yards in Length	the Piece	0	5	0
Handkerchiefs, plain and figured, in Pieces not exceeding 9 Yards in Length,	the Piece	0	1	6
exceeding 9 Yards and not exceeding 18 Yards in Length	the Piece	0	3	0
Manufactures of Silk, or of Silk and any other Material, not being Articles wholly or in part made up, not particularly enumerated or otherwise charged with Duty	for every 100*l.* Value	15	0	0
of and from a British Possession	for every 100*l.* Value	5	0	0
Articles, Manufactures of Silk, or of Silk and any other Material, not particularly enumerated or otherwise charged with Duty	for every 100*l.* Value	15	0	0
of and from a British Possession	for every 100*l.* Value	5	0	0
Manufactures of Silk, or of Silk mixed with Metal or any other Material, the Produce of Europe, viz. :—				
Silk or Satin, plain, striped, figured, or brocaded, viz. :—				
Broad Stuffs	the lb.	0	5	0
Articles thereof, not otherwise enumerated	the lb.	0	6	0
or, and at the Option of the Officers of the Customs	for every 100*l.* Value	15	0	0

Silk—*continued.*	£	s.	d.
Gauze or Crape, plain, striped, figured, or brocaded, viz. :—			
Broad Stuffs . . . the lb.	0	9	0
Articles thereof, not otherwise enumerated the lb.	0	10	0
or, and at the Option of the Officers of the Customs . for every 100*l.* Value	15	0	0
Gauze, mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric, viz. :—			
Broad Stuffs . . . the lb.	0	9	0
Articles thereof, not otherwise enumerated the lb.	0	10	0
or, and at the Option of the Officers of the Customs, . for every 100*l.* Value	15	0	0
Velvet, plain or figured, viz. :—			
Broad Stuffs . . . the lb.	0	9	0
Articles thereof, not otherwise enumerated the lb.	0	10	0
or, and at the Option of the Officers of the Customs . for every 100*l.* Value	15	0	0
Broad Stuffs, the Foundation of which is wholly composed of Cotton or other Materials than Silk . . . the lb.	0	3	0
Ribbons, plain Silk, of one Colour only . the lb.	0	6	0
Plain Satin, of one Colour only . the lb.	0	8	0
Silk or Satin, striped, figured or brocaded, or plain Ribbons of more than one Colour the lb.	0	10	0
Gauze or Crape, plain, striped, figured, or brocaded . . . . the lb.	0	14	0
Gauze mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric the lb.	0	12	0
Velvet or Plush, wholly of Silk, or of Silk mixed with Cotton, not exceeding Nine Inches in Width, viz. :—			
Plain or embossed by Depression, without Satin or Fancy Edge the lb.	0	5	0
Figured, brocaded, striped, or spotted, or with Fancy or Satin Edge, and Silk Ribbons, in any way mixed or ornamented with Velvet or Plush the lb.	0	10	0
Fancy Silk Net, or Tricot . . the lb.	0	8	0
Plain Silk Lace or Net called Tulle . the lb.	0	8	0
Manufactures of Silk, or of Silk mixed with any other Materials, called Plush, not being Ribbons the lb.	0	3	0
Articles thereof, not otherwise enumerated the lb.	0	3	6

Silk—*continued.*	£ s. d.
Black Plush, commonly used for making Hats the lb.	0 1 0
Parasols and Umbrellas . . . each	0 1 0
Damask of Silk and Wool, or of Silk and other Materials, for Furniture . . . the lb.	0 0 10
Manufactures of Silk, or of Silk mixed with any other Materials, not particularly enumerated or charged with Duty for every 100*l.* Value	15 0 0
Silkworm Gut	Free.
Silver Ore, or Ore of which the greater Part in Value is Silver	Free.
Skins, Furs, Pelts, and Tails, viz. :—	
Badger, undressed	Free.
Bear ,, ...	Free.
Beaver ,, ...	Free.
Cat ,, ...	Free.
Chinchilla ,, ...	Free.
Coney ,, ...	Free.
Deer ,, ...	Free.
Indian, half-dressed	Free.
tanned, tawed, or in any way dressed .	Free.
Dog, in the Hair, not tanned, tawed, or in any way dressed	Free.
Dog Fish, undressed	Free.
Elk ,, ...	Free.
Ermine ,, ...	Free.
dressed	Free.
Fisher, undressed	Free.
Fitch ,, ...	Free.
Fox ,, ...	Free.
Tails ,, ...	Free.
Goat, raw or undressed	Free.
tanned, tawed, or in any way dressed . .	Free.
Goose, undressed	Free.
Hare ,, ...	Free.
Husse ,, ...	Free.
Kangaroo ,, ...	Free.
Kid, in the Hair, undressed	Free.
dressed	Free.
and dyed or coloured . . .	Free.
Kolinski, undressed	Free.
Lamb, undressed in the Wool . . .	Free.
tanned or tawed	Free.
and dyed or coloured . .	Free.
dressed in Oil	Free.
Leopard, undressed	Free.
Lion ,, ...	Free.
Lynx ,, ...	Free.

		£ s. d.
Skins—*continued.*		
Marten, undressed		Free.
Marten Tails ,,		Free.
Minx ,,		Free.
dressed		Free.
Mole, undressed		Free.
Musquash ,,		Free.
Nutria ,,		Free.
Otter ,,		Free.
Ounce ,,		Free.
Panther ,,		Free.
Pelts ,,		Free.
tanned, tawed, or in any way dressed		Free.
Racoon, undressed		Free.
Sable ,,		Free.
Tails or Tips, undressed		Free.
Seal, in the Hair, not tanned, tawed, or in any way dressed		Free.
Sheep, undressed in the Wool		Free.
tanned or tawed		Free.
dressed in Oil		Free.
Squirrel or Calabar, undressed		Free.
tawed		Free.
Tails, undressed		Free.
Swan, undressed		Free.
Tiger		Free.
Weasel		Free.
Wolf		Free.
tawed		Free.
Wolverings, undressed		Free.
Skins and Furs, or Pieces of Skins and Furs, unenumerated, viz. :—		
raw or undressed		Free.
tanned, tawed, curried, or in any way dressed		Free.
Articles manufactured of Skins and Furs		Free.
Smalts		Free.
Soap, viz. :—		
hard	the cwt.	0 0 8
soft	the cwt.	0 0 8
Naples	the cwt.	0 0 8
scented or fancy Soap	the lb.	0 0 2
Soda, Sulphate of		Free.
Soy	the Gallon	0 0 6
Spa Ware	the Cubic Foot	0 0 6
Specimens of Minerals or Fossils		Free.
illustrative of Natural History		Free.
Speckled Wood		Free.
Spectacles		Free.
Spelter or Zinc, crude in Cakes		Free.
rolled, but not otherwise manufactured		Free.

Article	Unit	£	s.	d.
Spelter—*continued.*				
Oxide and White of		Free.		
Rods for Bolts		Free.		
Manufactures of, not otherwise enumerated	the cwt.	0	2	0
Spermaceti		Free.		
Spirits or Strong Waters, viz.:—				
Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon	the Gallon	0	15	0
Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, if imported—				
into England or Scotland	the Gallon	0	8	2
into Ireland	the Gallon	0	6	4
Rum Shrub, Liqueurs, and Cordials of and from a British Possession in America, or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified, as aforesaid, if imported—				
into England or Scotland	the Gallon	0	8	2
into Ireland	the Gallon	0	6	4
Other Spirits, being sweetened or mixed, so that the Degree of Strength cannot be ascertained as aforesaid, and Perfumed Spirits to be used as Perfumery only	the Gallon	1	0	0
Spirits or Strong Waters imported into the United Kingdom mixed with any Ingredient, and although thereby coming under some other Denomination, except Varnish, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.				
Sponge		Free.		
Squills, dried		Free.		
not dried		Free.		
Starch	the cwt.	0	0	4½
Gum of, torrified or calcined	the cwt.	0	0	4½
Stavesacre		Free.		
Stays or Corsets of Linen or of Cotton, or of Linen and Cotton mixed	the Dozen Pairs	0	2	0
Stearine, till the 5th April 1858, unless the Duty upon Tallow shall be sooner repealed, in which Case the Duty shall cease	the cwt.	0	3	6
after the 5th April 1858		Free.		

	£ s. d.
Steel, unwrought	Free.
manufactured or wrought. (See Iron.)	
Scrap	Free.
Stones, viz. :—	
Stone, in Lumps, not in any Manner hewn	Free.
Slate, in rough Blocks or Slabs	Free.
hewn	Free.
Marble, in rough Blocks or Slabs	Free.
sawn into Slabs or otherwise manufactured	Free.
Limestone	Free.
Asphalt Rock	Free.
Flint	Free.
Felspar and Stones for Potter's Use	Free.
Pebble	Free.
for Lithography	Free.
in Blocks, shaped or rough scalped	Free.
Mill Stones, rough	Free.
shaped or hewn	Free.
Burr Stones, rough	Free.
shaped or hewn	Free.
Quern Stones, rough	Free.
shaped or hewn	Free.
Dog Stones, rough	Free.
shaped or hewn	Free.
Straw or Grass for platting	Free.

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated, the lb.	0 0 2½	0 0 2	0 0 1½
Sugar, viz. :—			
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto the cwt.	1 0 0	0 16 8	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined the cwt.	0 17 6	0 14 7	0 11 8

Sugar—*continued.*

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed the cwt.	0	15	0	0	12	9	0	10	6
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar the cwt.	0	13	9	0	11	8	0	9	6
Molasses . . . the cwt.	0	5	4	0	4	6	0	3	9

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the Isle of Man, for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say,

——	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, not in any way inferior to the Export Standard, No. 3, approved of by the Lords of the Treasury . for every cwt.	0	18	9	0	15	8	0	12	6

Sugar—*continued.*

———	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for Immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters for every cwt.	0 18 9	0 15 8	0 12 6
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove for every cwt.	0 17 10	0 14 10	0 11 10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2, approved by the Lords of the Treasury, for every cwt.	0 16 6	0 13 9	0 11 0
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2 . . for every cwt.	0 13 9	0 11 8	0 9 6

Sulphur Impressions		Free.
Sweet Wood		Free.
Talc		Free.
Tallow	the cwt.	0 1 6
of and from British Possessions	the cwt.	0 0 1
Vegetable		Free.
Tamarinds		Free.

		£	s.	d.
Tapioca	the cwt.	0	0	4½
Tar		Free.		
Barbadoes		Free.		
Tares. See Seeds.				
Tarras		Free.		
Tartaric Acid		Free.		
Tea,—until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	1	9
for the following Twelve Months after such 5th Day of April	the lb.	0	1	3
thereafter	the lb.	0	1	0
without any Allowance for Draft.				
Teasles		Free.		
Teeth, viz., Elephants		Free.		
Sea Cow, Sea Horse, or Sea Morse		Free.		
Telescopes		Free.		
Terra, viz., Japonica		Free.		
Sienna		Free.		
Verde		Free.		
Umbra		Free.		
Thread, not otherwise enumerated or described		Free.		
Tiles		Free.		
Tin, Ore, and Regulus of		Free.		
in Blocks, Ingots, Bars, or Slabs		Free.		
Foil,	the cwt.	0	10	0
Manufactures of, not otherwise enumerated,	the cwt.	0	10	0
Tincal, unrefined. See Borax.				
Tobacco, the following Duties, with 5 per Cent. thereon, viz.:—				
unmanufactured, stemmed, or stripped,	the lb.	0	3	0
unstemmed,	the lb.	0	3	0
manufactured, or Segars	the lb.	0	9	0
Snuff	the lb.	0	6	0
Stalks and Flour of		prohibited.		
Manufactured in Great Britain or Ireland, made into Cut, Shag, Roll, or Carrot Tobacco, or Cigars, such Cigars, when exported as Merchandise, being packed in Cases containing not less than Eighty Pounds net Weight, a Drawback shall be allowed on Exportation or Shipment as Stores	the lb.	0	2	7½
	with 5 per Cent. thereon.			
Tobacco Pipes of Clay		Free.		
Tongues		Free.		
Tornsal		Free.		
Tortoise or Turtle Shell, unmanufactured		Free.		
Toys, viz.:—				
Marbles	the cwt.	0	1	0
All other Toys	the Cubic Foot	0	0	4

		£ s. d.
Truffles		Free.
Tulip Wood		Free.
Turmeric		Free.
Turnery, not otherwise described	the Cubic Foot	0 0 4
Turpentine		Free.
of Venice, Scio, or Cyprus		Free.
Oil, or Spirit of. See Oil.		
Twine		Free.
Ultra Marine		Free.
Valonia		Free.
Vanelloes		Free.
Varnish, containing any Quantity of Alcohol or Spirit	the Gallon	0 12 0
not otherwise described		Free.
Vases, viz., ancient, not of Stone or Marble		Free.
Vegetables, all, not otherwise enumerated or described		Free.
preserved in Salt		Free.
Vellum		Free.
Veneers	the cwt.	0 1 0
Verdigris		Free.
Verjuice		Free.
Vermicelli and Maccaroni	the cwt.	0 1 0
Vermillion		Free.
Vinegar	the Gallon	0 0 4½
Wafers		Free.
Walnut Wood		Free.
Washing Balls	the lb.	0 0 2
Watches of Gold, Silver, or any other Metal, exceeding the Value of 10*l.* each	each	1 0 0
Other Watches, viz.:—		
Gold, open Faces	each	0 5 0
Hunters	each	0 7 6
Repeaters	each	0 15 0
Silver, or any other Metal, not Gold:—		
Open Faces	each	0 2 6
Hunters	each	0 3 6
Repeaters	each	0 8 0
Water, Cologne, the Flask (Thirty of such Flasks containing not more than One Gallon)	each	0 0 8
When not in Flasks (as perfumed Spirit)	the Gallon	1 0 0
Mineral		Free.
Wax, viz.:—Bleached		Free.
Unbleached		Free.
Myrtle		Free.
Sealing		Free.
Vegetable		Free.
Weld,		Free.
Whale Fins		Free.
Whipcord		Free.

		£	s.	d.
Wine, of and from Foreign Countries, the following Duties and 5 per cent thereon, viz. :—				
Red	the Gallon	0	5	6
White	the Gallon	0	5	6
Lees of such Wine	the Gallon	0	5	6
The Growth and Produce of any British Possession, and imported direct from thence, the following Duties and 5 per cent thereon, viz. :—				
Red	the Gallon	0	2	9
White	the Gallon	0	2	9
Lees of such Wine	the Gallon	0	2	9
The full Duties on Wine may be drawn back upon Exportation or Shipment as Stores, but no Drawback allowed on Lees of Wine.				
Wire, viz. :—Gilt or plated		Free.		
Silver		Free.		
Copper or Brass. See Copper and Brass respectively.				
Woad		Free.		
Wood and Timber, the following Duties, with 5 per cent thereon on all Wood and Timber the Produce of British Possessions, viz. :—				
Timber or Wood, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the Load of 50 Cubic Feet		0	7	6
Of and from British Possessions,	the Load of 50 Cubic Feet	0	1	0
Deals, Battens, Boards, or other Timber or Wood sawn or split, and not otherwise charged with Duty,	the Load of 50 Cubic Feet	0	10	0
Of and from British Possessions,	the Load of 50 Cubic Feet	0	2	0

Or, in lieu of ascertaining the Cubical Contents in Pile, the Importer may have the Option, at the Time of passing the First Entry, in respect of Planks, Deals, Deal Ends, Battens, and Batten Ends, not the Produce of the British Possessions, of entering the same by Tale, upon a Computation of their Cubic Content calculated according to the undermentioned Scale, specifying in such Entry the Number and Dimensions of the several Pieces included therein; and the Duties imposed thereon by this Act shall be ascertained, computed, and charged upon the Planks, Deals, Deal Ends, Battens, and Batten Ends included in such Entry on the Cubical Contents thereof computed in conformity with the said Scale.

Wood and Timber—*continued.*

	PLANKS.	DEALS.	BATTENS.		
	3 × 11 Inch and not above 3¼ × 11½ Inch.	3 × 9 Inch and not above 3¼ × 9½ Inch.	3 × 7 Inch and not above 3¼ × 7¼ Inch.	2½ × 7 Inch and not avove 2⅝ × 7¼ Inch.	2½ × 6½ Inch and not above 2⅝ × 6⅝ Inch.
	Cubic Feet.	Cubic Feet.	Cubic Feet.	Cubic Feet.	Cubic Feet.
Not above 4 Feet in Length, the 120	115	95	73	61	57
Above 4 Feet and not above 5 Feet in Length, the 120 .	144	118	91	77	71
Above 5 Feet and not above 6 Feet in Length, the 120 .	173	142	110	92	86
Above 6 Feet and not above 7 Feet in Length, the 120 .	202	165	128	107	100
Above 7 Feet and not above 8 Feet in Length, the 120 .	231	189	146	123	114
Above 8 Feet and not above 9 Feet in Length, the 120 .	260	213	165	138	128
Above 9 Feet and not above 10 Feet in Length, the 120 .	288	236	183	153	143
Above 10 Feet and not above 11 Feet in Length, the 120 .	317	260	201	169	157
Above 11 Feet and not above 12 Feet in Length, the 120 .	346	284	220	184	171
Above 12 Feet and not above 13 Feet in Length, the 120 .	375	307	238	200	185
Above 13 Feet and not above 14 Feet in Length, the 120 .	404	331	256	215	200
Above 14 Feet and not above 15 Feet in Length, the 120 .	433	354	274	230	214
Above 15 Feet and not above 16 Feet in Length, the 120 .	462	378	293	246	228
Above 16 Feet and not above 17 Feet in Length, the 120 .	490	402	311	261	242
Above 17 Feet and not above 18 Feet in Length, the 120 .	519	425	329	276	257
Above 18 Feet and not above 19 Feet in Length, the 120 .	548	449	348	292	271
Above 19 Feet and not above 20 Feet in Length, the 120 .	577	473	366	307	285
Above 20 Feet and not above 21 Feet in Length, the 120 .	606	496	384	322	300

	£	s.	d.
Staves, exceeding 72 Inches in Length, 7 Inches in Breadth, or 3¼ Inches in Thickness, the Load of 50 Cubic Feet	0	9	0
of and from British Possessions, the Load of 50 Cubic Feet . . .	0	2	0
Staves, not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor 3¼ in Thickness .	Free.		

		£ s. d.
Wood and Timber—*continued.*		
Birch and Fir, hewn, not exceeding 3 Feet in Length nor exceeding 8 Inches Square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries		Free.
Firewood	the Fathom of 216 Cubic Feet	0 6 0
Of and from British Possessions,	the Fathom of 216 Cubic Feet	Free.
Handspikes, not exceeding 7 Feet in Length	the 120	0 6 0
Of and from British Possessions,	the 120	0 0 6
Exceeding 7 Feet in Length	the 120	0 12 0
Of and from British Possessions,	the 120	0 1 0
Hoops		Free.
Knees, under 5 Inches Square	the 120	0 3 0
Of and from British Possessions,	the 120	0 0 3
5 and under 8 Inches Square	the 120	0 12 0
Of and from British Possessions,	the 120	0 1 0
Lathwood	the Fathom of 216 Cubic Feet	0 12 0
Of and from British Possessions,	the Fathom of 216 Cubic Feet	0 1 0
Oars	the 120	2 5 0
Of and from British Possessions,	the 120	0 3 9
Spars or Poles, under 22 Feet in Length and under 4 Inches in Diameter	the 120	0 6 0
Of and from British Possessions,	the 120	0 0 6
22 Feet in Length and upwards, and under 4 Inches in Diameter	the 120	0 12 0
Of and from British Possessions,	the 120	0 1 0
Of all Lengths, 4 and under 6 Inches in Diameter	the 120	1 4 0
Of and from British Possessions,	the 120	0 2 0
Spokes for Wheels, not exceeding 2 Feet in Length,	the 1,000	1 4 0
Of and from British Possessions,	the 1,000	0 1 0
Exceeding 2 Feet in Length	the 1,000	2 8 0
Of and from British Possessions,	the 1,000	0 2 0
Teak		Free.
Waste Wood, viz., Billet Wood, or Brush Wood used for the Purpose of Stowage		Free.
For Shipbuilding, viz. :—		
Stringy Bark, Red and Blue Gum, Green Hart, Mora and Locust Woods, and Woods formerly admitted at the same Duty as Teak		Free.
Treenails of Stringy Bark, Red and Blue Gum, and Locust Woods, and all Treenails of and from British Possessions,		Free.
Shovel Hilts		Free.
Planed or otherwise dressed or prepared for Use,		

	£ s. d.
Wood and Timber—*continued*	
and not particularly enumerated or otherwise charged with Duty . per Cubic Foot	0 0 2
And further . . for every 100*l.* Value	10 0 0
Of and from British Possessions, for every 100*l.* Value	5 0 0
Wool, viz., Alpaca and the Llama Tribe . . .	Free.
Beaver	Free.
cut and combed	Free.
Coney Wool	Free.
Cotton Wool and Waste of Cotton Wool . .	Free.
Goat's Wool or Hair	Free.
Hare's Wool	Free.
Sheep or Lamb's Wool	Free.
Woollens, viz. :—Manufactures of Wool (not being Goat's Wool), or of Wool mixed with Cotton, not particularly enumerated, and not otherwise charged with Duty	Free.
Articles or Manufactures of Wool (not being Goat's Wool), or of Wool mixed with Cotton, viz. :—	
Carpets and Rugs . the Square Yard	0 0 6
Shawls, Scarfs, and Handkerchiefs, plain the lb.	0 0 4
printed . the lb.	0 0 8
Gloves . . . the Dozen Pairs	0 0 3
wholly or in part made up, not otherwise charged with Duty for every 100*l.* Value	5 0 0
Yarn, Cable Yarn	Free.
Camel or Mohair	Free.
Raw Linen	Free.
Silk and Worsted, spun together and not dyed .	Free.
Woollen or Worsted, viz. :—	
Commonly called Berlin Wool or Zephyr Yarn, and Woollen and Worsted Yarn of Two or more Threads :—	
Scoured, bleached, or coloured, the lb.	0 0 6
Not scoured, bleached, or coloured, the lb.	0 0 3
Raw, for weaving, not dyed, or only partially dyed	Free.
Yeast, dried	Free.
Zaffre	Free.
Zebra Wood	Free.

Goods, being either in part or wholly manufactured, and not being enumerated or described nor otherwise

Goods—*continued.*	£	s.	d.
charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland for every 100*l.* Value	10	0	0
Goods not being either in part or wholly manufactured, not enumerated or described nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland . .	Free.		

TABLE (B.)

Duties applicable to the Isle of Man.

	£	s.	d.
Coffee, the Import Duties in Great Britain or Ireland not having been there paid thereon . . the lb.	0	0	2
Corn, viz., Wheat, Barley, Bear or Bigg, Oats, Rye, Peas, Beans, Buckwheat, Maize or Indian Corn, the Quarter	0	1	0
Wheat Meal and Flour, Barley Meal, Oat Meal, Rye Meal and Flour, Pea Meal, Bean Meal, Buckwheat Meal, and Maize or Indian Corn Meal . . . . the cwt.	0	0	4½
Hemp	Free.		
Hops, from Great Britain or Ireland . . .	Free.		
Iron	Free.		
Spirits, viz. :—			
Rum and other Spirits of the British Possessions not being sweetened or mixed Spirits, or Liqueurs, Cordials, or perfumed Spirits the Gallon	0	3	8
Brandy, Geneva, and all Foreign Spirits, not being Liqueurs, Cordials, or perfumed Spirits the Gallon	0	6	0
British or Irish Spirits exported from a Duty-free Warehouse under Bond in the United Kingdom . . . the Gallon	0	3	0
Such Spirits not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.			
Rum Shrub, of the British Possessions, the Gallon	0	3	8
Liqueurs, Cordials, mixed, sweetened, and perfumed Spirits . . the Gallon	0	10	0
of the British Possessions . the Gallon	0	5	0

		£	s.	d.
Eau de Cologne	per Flask (30 not containing more than 1 Gallon)	0	0	4
	or the Gallon	0	10	0
Sugar, viz. :—				
Muscovado	the cwt.	0	1	0
Sugar Candy, White or Brown, Refined Sugar, or Sugar rendered by any Process equal to Refined, Foreign or British	the cwt.	0	3	0
Tea	the lb.	0	0	6
Tobacco, viz. :—				
Unmanufactured	the lb.	0	1	6
Manufactured	the lb.	0	4	9
Cigars	the lb.	0	4	9
Wine	the Tun of 252 Gallons	12	0	0
Wood all Sorts			Free.	
Goods, Wares, and Merchandise brought from Great Britain or Ireland, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enumerated or charged with Duty			Free.	
Goods, Wares, and Merchandise, the Growth, Produce, or Manufacture of and brought from Great Britain or Ireland, and not herein-before charged with Duty			Free.	
Goods, Wares, and Merchandise, not the Growth, Produce, or Manufacture of Great Britain or Ireland, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon			Free.	
Goods, Wares, and Merchandise imported or brought from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty, or declared to be free of Duty, for every 100*l.* of the Value thereof		15	0	0

CAP. XCVIII.

An Act to continue certain Turnpike Acts in Great Britain.—[14*th* August 1855.]

CAP. XCIX.

An Act to enable Her Majesty to carry into effect a Convention made between Her Majesty, His Majesty the Emperor of the French, *and His Imperial Majesty the Sultan.*—[14*th* August 1855.]

CAP. C.

CAP. C.

An Act to amend the Law concerning the Qualification of Officers of the Militia.—[14*th* August 1855.]

WHEREAS the Qualifications now required in the Case of Persons to be appointed Officers in the Militia are different in the different Parts of the United Kingdom, and it is expedient that the Law as to such Qualifications should be made uniform: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Property Qualifications for Officers of certain Ranks in the Militia.

I. Every Person who has been or who shall hereafter be appointed an Officer of the Militia of any of the Ranks following shall be in possession of an Estate for his own Life, or for the Life of another, or for some greater Estate, in Land or Heritages in the United Kingdom of the yearly Value hereinafter mentioned in connection with such respective Rank, or shall be Heir Apparent of some Person who shall be in possession of a like Estate in like Property of the like yearly Value:

Rank.	Yearly Value required for the Qualification.
Colonel	£600 yearly Value.
Lieutenant-Colonel . . .	£400 yearly Value.
Major	£300 yearly Value.
Captain	£200 yearly Value.

Provided always, that as to Appointments to the Rank of Major and Captain respectively any Son of any Person who shall be in the Possession or who was at the Time of his Death in the Possession of such an Estate in Lands or Heritages of such yearly Value as would be a Qualification for such respective Rank shall be deemed qualified.

The Income of Personal Estate in

II. Provided also, That for the Purposes of the Qualification aforesaid a clear yearly Income arising from any Personal Estate within the United Kingdom of *Great Britain* and *Ireland* possession of the Officer to be deemed equivalent to the yearly Value of Land.

land, of or to which Personal Estate or the clear yearly Income thereof any Person appointed an Officer of the Militia is possessed or entitled, at Law or in Equity, for his own Use and Benefit, in possession, for his own Life, or for the Life of another, or for some greater Estate or Interest, shall be deemed an Equivalent to an Estate in Land or Heritages of a yearly value of the same Amount with such yearly Income, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly; and no other Property Qualification than herein expressed shall be required in the Case of any Person appointed an Officer of the Militia.

Persons holding certain Military Ranks may be appointed to certain Ranks in the Militia without Property Qualifications.

III. Provided also, That any Person, being a Commissioned Officer in any of Her Majesty's other Forces or in the Forces of the *East India* Company, who has served Five Years in such Forces, may, without any Property Qualification, be appointed a Captain of the Militia; and any Person holding or having held the Rank of Captain or any higher Rank in Her Majesty's other Forces or in the Forces of the *East India* Company may, without any Property Qualification, be appointed a Captain or Major of the Militia: and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any such Qualification, be appointed a Lieutenant-Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant-Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

Existing Enactments to extend to Qualifications under this Act.

IV. The Enactments concerning the Delivery of Descriptions of Property Qualifications, and other Provisions and Penalties having reference to the Qualifications now required by Law, shall be applicable with reference to the Qualifications required by this Act.

Exceptions for the Militia of London and Edinburgh.

V. Such of the Provisions of this Act as regulate the Amount and Nature of the Property Qualifications of Officers of the Militia shall not extend to the Militia of the City of *London* or the Militia of the City of *Edinburgh* and its Liberties.

Extent of the Act.

VI. Except as herein-before excepted, the Provisions of this Act shall extend and apply to the Militia raised in the several Parts of the United Kingdom, and to the Corps of Miners of *Cornwall* and *Devon*.

CAP. CI.

CAP. CI.

An Act for the more effectual Execution of the Convention between Her Majesty and the French *Government concerning the Fisheries in the Seas between the* British *Islands and* France.—[14*th* August 1855.]

CAP. CII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[14*th* August 1855.]

CAP. CIII.

An Act to amend an Act of the last Session of Parliament relating to the Sale of Spirits by unlicensed Persons and illicit Distillation in Ireland ; *and also to repeal so much of an Act of the Third and Fourth Years of His late Majesty as requires Persons applying for Licences for the Sale of Beer, Cider, or Spirits by retail in* Ireland *to enter into a Bond with Sureties.*—[14*th* August 1855.]

CAP. CIV.

An Act for the Regulation of Chinese *Passenger Ships.*—[14*th* August 1855.]

CAP. CV.

An Act to amend the Lunatic Asylums Act, 1853, *and the Acts passed in the Ninth and Seventeenth Years of Her Majesty, for the Regulation of the Care and Treatment of Lunatics.*—[14*th* August 1855.] (England.)

CAP. CVI.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[14*th* August 1855.]

CAP. CVII.

An Act to authorize the Commissioners of the Treasury to make Arrangements concerning a certain Loan advanced by way of Relief to the Island of Tobago.—[14*th* August 1855.]

CAP. CVIII.

An Act to amend the Law for the Inspection of Coal Mines in Great Britain.—[14*th* August 1855.]

13 & 14 Vict. c. 100.

WHEREAS an Act of the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One Hundred, was passed "for Inspection of Coal "Mines in *Great Britain*:" And whereas, with a view to the Safety of the Persons employed in such Mines, it is expedient that further Provision be made for the Inspection and Regulation thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13 & 14 Vict. c. 100. repealed.

I. The said Act of the Thirteenth and Fourteenth Years of Her Majesty shall be repealed: Provided always, that the Inspectors of Coal Mines appointed under such Act shall continue to be such Inspectors under this Act, subject, nevertheless, to Removal by One of Her Majesty's Principal Secretaries of State; provided also, that all Penalties incurred under the said Act before the Repeal thereof may be proceeded for and applied as if this Act had not been passed.

Power to Secretary of State to appoint Inspectors of Mines.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the *London Gazette.*

No Land Agent or Manager, &c. of Coal Mine to act as Inspector.

III. No Person who shall act or practise as a Land Agent or as a Manager, Viewer, or Agent, or Mining Engineer, or Valuer of Mines, or Arbitrator in any Matters of Dispute arising between Owners of Mines, or be otherwise employed in any Coal Mine or Colliery, shall act as an Inspector of Coal Mines under this Act.

General Rules to be observed in all Coal Mines.

IV. The following Rules (herein-after referred to as the General Rules) shall be observed in every Coal Mine and Colliery by the Owner and Agent thereof:

1. An adequate Amount of Ventilation shall be constantly produced at all Collieries to dilute and render harmless noxious Gases to such an Extent as that the working Places of the Pits and Levels of such Collieries shall under ordinary Circumstances be in a fit State for working:
2. Every Shaft or Pit which is out of Use, or used only as an Air Pit, shall be securely fenced:
3. Every Working and Pumping Pit or Shaft shall be properly fenced when not at work:
4. Every Working and Pumping Pit or Shaft where the natural Strata under ordinary Circumstances are not safe shall be securely cased or lined:
5. Every Working Pit or Shaft shall be provided with some proper Means of signalling from the Bottom of the Shaft to the Surface, and from the Surface to the Bottom of the Shaft:
6. A proper Indicator to show the Position of the Load in the Pit or Shaft, and also an adequate Break, shall be attached

attached to every Machine worked by Steam or Water Power used for lowering or raising Persons:

7. Every Steam Boiler shall be provided with a proper Steam Gauge, Water Gauge, and Safety Valve.

Special Rules to be made for each Colliery, with the Approval of Secretary of State.

V. In addition to the General Rules, there shall be established and observed in every Coal Mine or Colliery such other Rules (herein-after referred to as Special Rules) for the Conduct and Guidance of the Persons acting in the Management of such Coal Mine or Colliery, and of all Persons employed in or about the same, as under the particular State and Circumstances of such Coal Mine or Colliery may appear best calculated to prevent dangerous Accidents; and such Special Rules for each Coal Mine or Colliery shall be framed by the Owner thereof, and forthwith transmitted to One of Her Majesty's Principal Secretaries of State; and such Rules, if not objected to by such Secretary of State within Forty Days from the Day upon which they are received by him, shall be established; and in case such Secretary of State shall be of opinion that such Rules or any of them do not sufficiently provide for the Safety of the Person or Persons employed in or about such Coal Mine or Colliery, it shall be lawful for such Secretary of State, within the Forty Days aforesaid, to propose any Alterations in or Additions to such Special Rules; and in case such Owner shall not, within Twenty Days from the Day on which such Alterations or Additions are proposed to him, object to the same, the Special Rules shall be established with such Alterations and Additions; and in case such Owner shall, within the said Twenty Days, object to such Alterations or Additions or any of them, it shall be lawful for such Owner, within Seven Days after he shall have so objected, to nominate Three or more practical Mining Engineers or other competent Persons of Experience in the District within which such Coal Mine or Colliery is situate, and who shall not be interested in or employed in the Management of such Coal Mine or Colliery, of whom such Secretary of State may appoint One or more, to determine the Matter in difference, and to decide what Special Rules shall be established in such Coal Mine or Colliery; and if such Owner shall not within such Seven Days nominate such Mining Engineers as aforesaid, or if such Secretary of State shall not within One Month from the Time of such Nomination appoint One or more of the Persons so nominated by the Owner as aforesaid, then and in such Case Two such Mining Engineers or other competent Persons as aforesaid shall be appointed, One of whom shall be named by the Owner of such Coal Mine or Colliery, and One by the Secretary of State; and the said Persons so appointed shall, before they proceed to determine the Matters in difference, and to decide what Special Rules shall be established in such Coal Mine or Colliery, appoint a Third Person, being such Mining Engineer or such other competent Person as aforesaid, to be their Umpire in case of Difference of Opinion between them; and the Determination of such Persons and the said Umpire, or of any Two of them, shall be final, and the Special Rules shall be established accordingly: Provided, that after such Rules are established it shall be lawful for the Owner of any Coal Mine or Colliery (or for the Secretary of State) to propose from Time to Time any Amendments of such Rules, which Amendments, if not objected to by the Secretary of State within the Time aforesaid, or Owners, as the Case may be, shall be established; and in case of Objection being made to any of them, and of a Difference arising out of such Objection, the same Proceedings shall be had respecting them as herein-before provided in reference to the Special Rules when originally submitted to such Secretary of State, and objected to: Provided also, that the Amount of Payment to be made to all such Persons, and to such Umpire so nominated or appointed as aforesaid, for their Services shall be fixed by such Secretary of State, and paid in equal Moieties by such Owner and the Commissioners of Her Majesty's Treasury, who are hereby authorized to make such Payment accordingly.

Publication of Rules.

VI. For the Purpose of making known the General Rules and Special Rules to all Persons employed in or about each Coal Mine or Colliery, the Owner thereof shall cause the General Rules and the Special Rules for such Coal Mine or Colliery to be painted on a Board or printed upon Paper to be pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery; and the General Rules and Special Rules so painted or printed and hung up shall be renewed and restored with all reasonable Despatch as often as the same or any Part thereof may be defaced, obliterated, or destroyed; and a printed Copy of such General and Special Rules shall be supplied to all Persons employed in and about the same.

Powers and Duties of Inspectors.

VII. It shall be lawful for any Inspector to enter, inspect, and examine any Coal Mine or Colliery, and the Works and Machinery belonging thereto, at all reasonable Times and Seasons, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine or Colliery, and to make Inquiry into and touching the State and Condition of such Coal Mine or Colliery, Works and Machinery, and the Ventilation of such Mine or Colliery, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same, and especially to make Inquiry whether the Provisions of this Act are complied with in relation to such Coal Mine or Colliery; and the Owner or Agent of such Coal Mine or Colliery is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry: and if such Inspector find any of the General Rules or any of the Special Rules established for such Coal Mine or Colliery to be neglected or wilfully violated, such Inspector shall forthwith give Notice in Writing thereof to the Owner or Agent of such Coal Mine or Colliery; and if such Inspector find any Part of such Coal Mine or Colliery, Works or Machinery, or any Aircourses, Airdoors, Waterways, Drains, Pits, Levels, Shafts, or other Matter or Thing in or connected with such Coal Mine or Colliery, or the Mode of lighting or using Lights in the same, to be otherwise dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person employed in or about such Coal Mine or Colliery, such Inspector shall thereupon, by Notice in Writing, summon before him at the Colliery Office the Manager or principal Colliery Viewer or Agent having charge of the said Coal Mine or Colliery, in order to his being heard upon the Matter giving rise to such finding as aforesaid; and if such Manager or principal Colliery Viewer or Agent do not attend after reasonable Notice, or having attended fail to satisfy such Inspector, then such Inspector shall serve Notice in Writing of the particular Grounds on which he is of opinion that the said Coal Mine or Colliery, or any Part thereof, or any other of the Particulars above mentioned, is dangerous or defective, on the Owner or Agent thereof, and shall also report the same to One of Her Majesty's Principal Secretaries of State; and in case of any Difference arising thereupon the same shall be determined in the Manner herein-before provided with respect to proposed Alterations or Additions to the Special Rules, and a Copy of such Notice in case of no such Difference as aforesaid, or of the Determination in case of such Difference, arising, shall, if the said Danger or Defect be not forthwith removed or remedied, and if the Secretary of State shall so direct, be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery, and a Copy supplied to every Workman to whom such Notice or Determination shall apply, such Copy so to be hung up or affixed as aforesaid to be removed on the Certificate of the Inspector of the District, or of the Persons by whom such Determination shall have been made, that such Danger or Defect has been removed or remedied: Provided always, that so long as any Copy of such Notice or Determination purporting that the Coal Mine or Colliery, or any Part thereof, or any other of the Particulars above mentioned, is dangerous or defective, shall remain so hung up or affixed, and the Danger or Defect notified therein shall not be removed or remedied, it shall be lawful for any Person employed in or about such Coal Mine or Colliery to discontinue his Service in any Part of such Coal Mine or Colliery to which Part the said Notice or Determination shall apply, without being therefore liable to be proceeded against under the Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Thirty-four, as for Absence from his Service, or Misconduct in the Execution thereof: Provided also, that unless the Owner or Agent on whom the Notice is served as aforesaid shall within Seven Days of such Service signify to the said Inspector his Objections to the same, and at the same Time nominate Three competent Persons as herein-before provided in the Fifth Section, with a view to the Determination of such Objection, such Notice shall be considered good and valid, and shall be hung up or affixed as herein-before provided.

Owners of Coal Mines to produce Maps or Plans of Mines to Inspector.

VIII. The Owner or Agent of every Coal Mine or Colliery shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid a Map or Plan of the Workings of such Coal Mine or Colliery, upon which Map or Plan shall be delineated the several Parts, Aircourses, Airdoors, Waterways, Drains, Pits, Levels, and Shafts in and connected with such Coal Mine or Colliery; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Mine or Colliery is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine or Colliery, and the Works thereto belonging, clearly delineating such Matters and Things as aforesaid, be made within a reasonable Time, by and at the Expense of the Owner of such Mine, on a Scale of not less than Two Chains to One Inch, or on such other Scale as the Plan then used in the Colliery is constructed on; and every such Map

If Owners do not produce Maps, &c., Inspector may require them to be made.

Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine or Colliery shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine or Colliery up to the Time of his Inspection thereof: Provided, that nothing herein contained shall be constructed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

Notice of Accidents in Mines to be given to Secretary of State.

IX. If and when Loss of Life to any Person employed in or about any Coal Mine or Colliery occurs by reason of any Accident within such Coal Mine or Colliery, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, or if any serious personal Injury arises from Explosion therein, the Owner or Agent of such Mine or Colliery shall within Twenty-four Hours next after such Loss of Life, send Notice of such Accident, under the Hand of such Owner or Agent, to One of Her Majesty's Principal Secretaries of State, and in *Scotland* to the Lord Advocate, and in all Cases to the Inspector of the District within which such Loss of Life shall occur, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post Office, by Letter addressed to such Secretary of State or Lord Advocate, and to the Inspector of the District at his usual Place of Residence; and every Owner or Agent who neglects to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty of not less than Ten Pounds, and not exceeding Twenty Pounds.

Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines.

X. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall (unless some Person be present on behalf of One of Her Majesty's Principal Secretaries of State to watch the Proceedings at such Inquest, or Notice of such Accident shall have been sent, Four clear Days at the least previously thereto, through the Post Office, by Letter addressed to One of such Secretaries of State, and the sending of the same be proved to the Satisfaction of the Coroner,) adjourn such Inquest, and by Letter sent Two Days at the least before holding such adjourned Inquest, through the Post Office, addressed to One of such Secretaries of State, give Notice to such Secretary of State of the Time and Place of holding the same: Provided always, that it shall be lawful for such Coroner, before the Adjournment of any such Inquest, to take Evidence to identify the Body, and to order the Interment thereof.

Penalties for Offences against this Act.

XI. If after the Thirty-first Day of *December* One thousand eight hundred and fifty-five any Coal Mine or Colliery be worked, and, through the Default of the Owner thereof, Special Rules have not been established for the same, according to the Provisions of this Act, or the General Rules, or the Special Rules for such Coal Mine or Colliery, by this Act required to be established, have not been hung up or affixed, or have not, after Obliteration or Destruction, been renewed or restored, as required by this Act, or any of such General Rules or Special Rules which ought to be observed by the Owner and principal Agent or Viewer of such Coal Mine or Colliery be neglected or wilfully violated by any such Owner, Agent, or Viewer, such Person shall be liable to a Penalty of not exceeding Five Pounds, and also, in case the Default or Neglect be not remedied with all reasonable Despatch, after Notice in Writing thereof given by an Inspector to the Owner or Agent of such Coal Mine or Colliery, to a further Penalty of not exceeding One Pound for every Day during which the Offence continues after such Notice; and every Person, other than aforesaid, employed in or about a Coal Mine or Colliery, who neglects or wilfully violates any of the Special Rules established for such Coal Mine or Colliery, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, or to be imprisoned, with or without Hard Labour, in the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months, or to be proceeded against and punished according to the Provisions of the Act Fourth *George* the Fourth, Chapter Thirty-four, intituled *An Act to enlarge the Power of Justices in determining Complaints between Masters and Servants.*

4 G. 4. c. 34.

Penalty for obstructing Inspectors.

XII. Every Owner or principal Agent of any Coal Mine or Colliery who refuses or neglects to produce, as herein-before required, a Map or Plan of the Workings of a Colliery to any Inspector, or to furnish to said Inspector the Means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, and every Person who wilfully obstructs any Inspector in the Execution of this Act, shall for every such Offence be liable to a Penalty of not less than Five Pounds and not exceeding Ten Pounds.

Penalty for defacing Notice used for such Publication.

XIII. Every Person who pulls down, injures, or defaces any Notice hung up or affixed as required by this Act shall for every such Offence be liable to a Penalty of not exceeding Forty Shillings.

Penalties how recoverable.

XIV. All Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in *Scotland* before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, within Three Months of the Commission of the same, in the Manner prescribed by the Law in that Behalf; and it shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Recommendation of One of Her Majesty's Principal Secretaries of State, to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident, as required by this Act, shall be paid to or among any of the Family or Relatives of any Person or Persons killed by such Accident, as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered, be paid, for the Use of Her Majesty, to the Sheriff or other proper Officer of the County, Riding, Division, or Place for which the Justices or other competent Authority before whom the Penalty is recovered shall have acted.

Certified Copy of Special Rules to be Evidence.

XV. A Copy of the Special Rules for the Time being established in any Coal Mine or Colliery, certified under the Hands of One of the Inspectors to be a Copy of the Special Rules established in such Coal Mine or Colliery, shall be Evidence of such Special Rules, and of their being duly established under this Act, without further Proof.

Reports of Inspectors to be laid before Parliament.

XVI. Every Inspector shall on or before the First Day of *March* in every Year make a separate and distinct Report in Writing of his Proceedings during the preceding Year, and shall transmit the same to One of Her Majesty's Principal Secretaries of State, and a Copy of such Report shall be laid before both Houses of Parliament.

Interpretation of Terms.

XVII. In the Construction of this Act the Term "Owner" of a Coal Mine or Colliery shall mean the immediate Proprietor, Lessee, or Occupier of a Coal Mine or Colliery or of any Part thereof; and the Term "Agent" of a Mine shall mean any Person having on behalf of the Owner of any Mine the Care or Direction thereof; and the Term "Inspector" or "Inspectors" shall respectively mean an Inspector or Inspectors of Coal Mines appointed under the said Act of the Thirteenth and Fourteenth Years of Her Majesty or this Act; and the Term "District" shall mean that Portion of *Great Britain* which shall be assigned to any One of such Inspectors.

Extent of Act.

XVIII. This Act shall not extend to *Ireland*.

Term of this Act.

XIX. This Act shall continue until the Expiration of Five Years after the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

CAP. CIX.

An Act to make further Provisions for the Repayment of Advances out of the Consolidated Fund for the Erection and Enlargement of Asylums for the Lunatic poor in Ireland, *and to amend the Laws with reference to the Repayments in case of Change of Districts, and the Appointment of Commissioners of General Control and Correspondence.*—[14*th* August 1855.]

CAP. CX.

An Act to authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland, *towards the Completion of certain Navigations undertaken in connexion with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in* Ireland.—[14*th* August 1855.]

CAP. CXI.

An Act to amend the Law relating to Bills of Lading.—[14*th* August 1855.]

WHEREAS by the Custom of Merchants a Bill of Lading of Goods being transferable by Endorsement the Property in the Goods may thereby pass to the Endorsee, but nevertheless all Rights in respect of the Contract contained in the Bill of Lading continue in the original Shipper or Owner, and it is expedient that such Rights should pass with the Property: And whereas it frequently happens that the Goods in respect of which Bills of Lading purport to be signed have not been laden on board, and it is proper that such Bills of Lading in the Hands of a *bonâ fide* Holder for Value should not be questioned by the Master or other Person signing the same on the Ground of the Goods not having been laden as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every

Rights under Bills of Lading to vest in Consignee or Endorsee.

I. Every Consignee of Goods named in a Bill of Lading, and every Endorsee of a Bill of Lading to whom the Property in the Goods therein mentioned shall pass, upon or by reason of such Consignment or Endorsement, shall have transferred to and vested in him all Rights of Suit, and be subject to the same Liabilities in respect of such Goods as if the Contract contained in the Bill of Lading had been made with himself.

Not to affect Right of Stoppage in transitu or Claims for Freight.

II. Nothing herein contained shall prejudice or affect any Right of Stoppage *in transitu*, or any Right to claim Freight against the original Shipper or Owner, or any Liability of the Consignee or Endorsee by reason or in consequence of his being such Consignee or Endorsee, or of his Receipt of the Goods by reason or in consequence of such Consignment or Endorsement.

Bill of Lading in Hands of Consignee, &c., conclusive Evidence of the Shipment as against Master, &c.

Proviso.

III. Every Bill of Lading in the Hands of a Consignee or Endorsee for valuable Consideration representing Goods to have been shipped on board a Vessel shall be conclusive Evidence of such Shipment as against the Master or other Person signing the same, notwithstanding that such Goods or some Part thereof may not have been so shipped, unless such Holder of the Bill of Lading shall have had actual Notice at the Time of receiving the same that the Goods had not been in fact laden on board: Provided, that the Master or other Person so signing may exonerate himself in respect of such Misrepresentation by showing that it was caused without any Default on his Part, and wholly by the Fraud of the Shipper, or of the Holder, or some Person under whom the Holder claims.

CAP. CXII.

An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.—[14*th* August 1855.]

CAP. CXIII.

An Act to extend the Provisions of an Act of the Fourteenth and Fifteenth Years of Her present Majesty, for rebuilding the Bridge over the River Ness *at* Inverness.—[14*th* August 1855.]

14 & 15 Vict. c. 66.

WHEREAS by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-six, "for rebuilding the Bridge

" over the River *Ness* at the Town of *Inverness*, and improv- " ing the Approaches thereto, and for amending the Acts " relating to Highland Roads and Bridges," after Provision for the Application of a Sum of Seven thousand seven hundred Pounds towards the Expense of erecting the said Bridge, it was enacted, that it should be lawful for the Commissioners of Her Majesty's Treasury to advance by way of Loan to the Commissioners of Highland Roads and Bridges, for the Purposes of the said Act, any further Sum not exceeding Ten thousand seven hundred Pounds out of the growing Produce of the Consolidated Fund, to be repaid, with Interest, in manner therein-after provided, and that there should, upon the Advance by the said Commissioners of the Treasury of all or any Part of the said Loan of Ten thousand seven hundred Pounds, be appropriated to the Repayment of the Sum advanced and Interest thereof such Parts of the Sums allotted to the Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness*, out of an annual Grant of Five thousand Pounds, in the said Act mentioned, as would produce an annual Payment at the Rate of Six Pounds Ten Shillings for every One hundred Pounds of the Sum so advanced, and so in proportion for any lesser Amount, and such annual Payment should be made for the Term of Twenty-two Years, to be computed from the Sixth Day of *April* or Tenth Day of *October* which should first happen after such Advance, and further Provisions are therein contained concerning such annual Payment, and for the Deduction thereof from the Sums allotted to the said Counties, and to provide for the Deficiency to arise by such Deductions: And whereas the Expense of erecting the said Bridge having exceeded the estimated Amount thereof it is expedient that further Public Assistance should be afforded towards defraying such Expense upon the Conditions hereinafter expressed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this Present Parliament assembled, and by the Authority of the same, as follows:

Application of Monies provided by Parliament.

I. Any Monies to be provided by Parliament for that Purpose shall be applied by the said Commissioners of Highland Roads and Bridges, under the Direction of the Commissioners of Her Majesty's Treasury, towards defraying the Expense of erecting the said new Bridge by the said Act authorized to be made and maintained.

Treasury authorized to advance 3,000*l.* by

II. It shall be lawful for the Commissioners of Her Majesty's Treasury to advance by way of Loan to the said Commissioners of Highland Roads and Bridges, towards defraying the way of Loan.

the Expense of erecting the said Bridge, any further Sum not exceeding Three thousand Pounds, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and such Sum shall be repaid, with Interest, in the Manner herein-after provided.

Sums advanced under this Act to be repaid, with Interest, from the County Allotments.

III. Upon the Advance of the said Commissioners of the Treasury of all or any Part of the said Loan of Three thousand Pounds, there shall be appropriated to Repayment of the Sum advanced, and Interest thereof, such Parts of the Sums allotted as in the said Act mentioned to the said Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness*, out of the said annual Grant of Five thousand Pounds, as will produce an annual Payment at the Rate of Six Pounds Ten Shillings for every One hundred Pounds of the Sum so advanced, and so in proportion for any lesser Amount, such annual Payment to be made for the Term of Twenty-two Years; and all the Provisions of the said Act of the Fourteenth and Fifteenth Years of Her Majesty with reference to the said Sum of Ten thousand seven hundred Pounds, and the Charges of the annual Payments in respect thereof, and the Deduction of such annual Payments from the Sums allotted to the said Counties, and for supplying the Deficiency to arise by such Deductions, shall be extended and shall be applicable to the said Sum of Three thousand Pounds to be advanced by way of Loan under this Act, and the Charges of the annual Payments in respect thereof, and the Deduction of such annual Payments from the Sums allotted to the said Counties, and for supplying the Deficiency to arise from such last-mentioned Deductions.

Provisions of 14 & 15 Vict. c. 66. concerning former Loan extended to the Loan to be advanced under this Act.

CAP. CXIV.

An Act for the Transfer of Licences of Public Houses in Ireland.—[14*th* August 1855.]

CAP. CXV.

An Act to continue and amend the Public Health Act (1854).—[14*th* August 1855.] (England.)

CAP. CXVI.

An Act for the better Prevention of Diseases.—[14*th* August 1855.] (England.)

CAP. CXVII.

An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.—[14*th* August 1855.]

CAP. CXVIII.

An Act to repeal the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof.—[14*th* August 1855.] **(England.)**

CAP. CXIX.

An Act to amend the Law relating to the Carriage of Passengers by Sea.—[14*th* August 1855.]

Prefatory Clauses.

WHEREAS it is expedient to amend "The Passengers Act, 1852:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of this Act, and Repeal of former Act except as to existing Liabilities, and except as to an Order in Council dated 16th Oct. 1852.

I. On the First Day of *October* next, when this Act shall commence and come into force, "The Passengers Act, 1852," shall be repealed; except so far as the said Act repeals any former Act or Enactment; and except as to existing Passage Brokers Licences, which shall continue in force as mentioned in Section Sixty-eight of this Act, and except as to any Ship which shall have cleared out from any Colonial Port under the said Act, and before this Act shall have come into operation in such Colony; and except so far as may be necessary for supporting or continuing any Proceeding heretofore taken or hereafter to be taken upon any Bond given under the said Act, or upon any other Civil Process; and except as to the Recovery and Application of any Penalty for any Offence committed

Prefatory Clauses.

mitted against the said Act before the Commencement of this Act; and except also as to an Order in Council made by Her Majesty, with the Advice of Her Privy Council, on the Sixteenth Day of *October* One thousand eight hundred and fifty-two, in pursuance of the Powers given by the Fifty-fifth Section of the said Act, which said Order in Council shall remain in force until altered or revoked by any Order in Council to be made under the Provisions of this Act.

Short Title of this Act; and in legal Proceedings Reference to Sections of this Act by Number to be sufficient.

II. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Passengers Act, 1855;" and in any Process for enforcing the Remedies or Penalties given or imposed by this Act, it shall be sufficient, without specifying more particularly the Cause of Complaint or Offence, to refer by Number, according to the Copies of the Act printed by the Queen's Printer, to the Section or Sections under which the Proceeding is taken.

Definition of Terms used in this Act.

III. For the Purposes of this Act, the following Words and Expressions, whenever they occur, shall respectively have the following Significations, if not inconsistent with the Context or Subject Matter; (that is to say,) Words of One Number or Gender shall import both Numbers and all Genders respectively; the Expression "Her Majesty" shall include Her Heirs and Successors; the Expression "Consular Officer" shall signify and include Her Majesty's Consul General, Consul and Vice Consul; the Expression "United Kingdom" shall signify *Great Britain* and *Ireland*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, *Scilly*, and *Man;* the Expression "*North America*" shall signify and include the *Bermudas*, and all Ports and Places on the Eastern Coast of the Continent of *North America*, or in the Islands adjacent or near thereto, or in the Gulf of *Mexico* North of the Tropic of Cancer; the Expression "*West Indies*" shall signify the *West India* Islands, the *Bahamas*, *British Guiana*, and *Honduras;* the Expression "Governor" shall signify the Person who for the Time being shall be lawfully administering the Government of any *British* Colony in which he may be acting; the Expression "Statute Adult" shall signify any Person of the Age of Twelve Years or upwards, or Two Persons between the Ages of One and Twelve Years; the Expression "Passage" shall include all Passages except Cabin Passages; the Expression "Passengers" shall include all Passengers except Cabin Passengers, and except Labourers under Indenture to the *Hudson's Bay* Company, and their Families, conveyed in Ships the Property of or chartered by the said Company, and no Person shall be deemed Cabin Passengers unless the Space allotted

Prefatory Clauses.

allotted to their exclusive Use shall be in the Proportion of at least Thirty-six clear Superficial Feet to each Statute Adult, nor unless they shall be messed throughout the Voyage at the same Table with the Master or First Officer of the Ship, nor unless the Fare contracted to be paid by them respectively shall be in the Proportion of at least Thirty Shillings for every Week of the Length of the Voyage as computed under the Provisions of this Act for Sailing Vessels proceeding from the United Kingdom to any Place South of the Equator, and of Twenty Shillings for such Vessels proceeding to any Place North of the Equator, nor unless they shall have been furnished with a duly signed Contract Ticket according to the Form in Schedule (K.) of this Act; the Expression "Upper Passenger Deck" shall signify and include the Deck immediately beneath the Upper Deck, or the Poop or Round House and Deck House when the Number of Passengers and Cabin Passengers carried in such Poop, Round House, or Deck House shall exceed One Third of the total Number of Passengers which such Ship can lawfully carry on the Deck next below; the Expression "Lower Passenger Deck," the Deck next beneath the Upper Passenger Deck, not being an Orlop Deck; the Expression "Ship" shall signify any description of Sea-going Vessel, whether *British* or Foreign; the Expression "Passenger Ship" shall signify every Description of such Ship carrying upon any Voyage to which the Provisions of this Act shall extend more than Thirty Passengers, or a greater Number of Passengers than in the Proportion of One Statute Adult to every Fifty Tons of the Registered Tonnage of such Ship if propelled by Sails, or of One Statute Adult to every Twenty-five Tons if propelled by Steam; the Expression "Master" shall signify the Person who shall be borne on the Ships Articles as Master, or who, other than a Pilot, shall for the Time being be in charge or Command of any such Ship or "Passenger Ship;" and the Expression "Emigrant Runner" shall signify every Person other than a licensed Passage Broker or his *bonâ fide* salaried Clerk, who within any Port or Place of Shipping, or within Five Miles of the outer Boundaries thereof, for Hire or Reward, or the Expectation thereof, shall directly or indirectly conduct, solicit, influence, or recommend any intending Emigrant to or on behalf of any Passage Broker, Owner, Charterer, or Master of a Ship, Lodging House or Tavern or Shop Keeper, Money Changer or other Dealer or Chapman, for any Purpose connected with the Preparations or Arrangements for a Passage, or shall give or pretend to give to such intending Emigrant any Information or Assistance in any way relating to Emigration.

IV. This

Prefatory Clauses.

To what Vessels and Voyages this Act extends.

IV. This Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, and on every Colonial Voyage as herein-after described, and, in the Particulars mentioned or referred to in Sections One hundred, One hundred and one, and One hundred and two, to every Ship bringing Passengers into the United Kingdom from any Place out of *Europe* and not being within the *Mediterranean Sea*; but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the *East India* Company, nor to any Steam Vessel regularly employed in the Conveyance of the Public Mails under an existing Contract with the Government of the State or Colony to which such Steam Vessel may belong, provided the Master thereof shall, on Demand, produce to the Emigration Officer at the Port of Clearance or Port of Departure a Certificate of Exemption, in the Form given in Schedule (A.) hereto annexed, under the Hand of the Postmaster General of the United Kingdom, or of some Person deputed by him for the Purpose, or in the Case of a Colony, under the Hand of the Governor thereof, or in the Case of a Foreign State, under the Hand of the Postmaster General or other competent Government Officer whose Signature shall be authenticated by the Signature of a *British* Consular Officer in such Foreign State.

Penalty on fraudulently using Certificates or using fraudulent Certificates.

V. Such Certificate of Exemption shall be issuable at the Discretion of the Officer authorized to grant the same as herein-before mentioned, and shall remain in force for the Period specified therein, unless sooner revoked, or unless the Vessel for which it shall have been issued shall sooner cease to be employed in carrying the Public Mails; and if any Person shall make or attempt to make any fraudulent Use of any such Certificate, or shall forge, counterfeit, alter, or erase the whole or any Part thereof, or shall use or attempt to use any spurious or fraudulent Certificate, the Person so offending, and every Person aiding and abetting in such Offence, shall be liable to a Penalty not exceeding Five hundred Pounds Sterling, and the Vessel for which the Exemption is claimed shall not be cleared out until all the Requirements of this Act have been complied with.

Commissioners of Emigration to car-

VI. And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Twenty-seventh Day of *November* One thousand eight hundred and forty-seven, Her Majesty was

Prefatory Clauses.

ry this Act into execution.

was pleased to appoint certain Persons therein named under the Style of "The Colonial Land and Emigration Commissioners," to be, during Her Majesty's Pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the Crown of Her Majesty's Colonies, and for superintending the Emigration of the poorer Classes of Her Majesty's Subjects to such Colonies: And whereas it is expedient that such Commissioners should be empowered to carry this Act into execution: Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal and other Purposes it shall be sufficient to describe such Commissioners by the Style of "The Emigration Commissioners."

Emigration Commissioners may sue and be sued in the Name of their Secretary, &c.

VII. The said Emigration Commissioners for the Time being may sue and be sued in the Name of their Secretary, or of any One of such Commissioners for the Time being, and legal or equitable Proceedings taken by or against the said Commissioners in the Name of any One of them or of their Secretary shall not abate nor be discontinued by the Death or Removal of such Secretary or Commissioner, but the Secretary for the Time being, or any One of such Commissioners, shall always be deemed to be the Plaintiff or Defendant (as the Case may be) in any such Proceedings: Provided always, that the said Commissioners and their Secretary, and the Emigration Officers herein-after mentioned respectively, shall in no Case be personally liable, nor shall the private Estate and Effects of any of them be liable, for the Payment of any Monies or Costs or otherwise in respect of any Contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable Proceedings taken against them or any of them, or for any Act, Deed, or Matter done or executed by them or any of them in their or his official Capacity and on the Public Service.

Commissioners, &c. exempt from Liability.

Emigration Officers and Assistants to act under the Commissioners, &c., but existing Appointments to continue until revoked.

VIII. In the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose of carrying this Act into execution, under the Direction of the said Commissioners or Governors, as the Case may be: Provided nevertheless, that all existing Appointments of Emigration Officers or Immigration Agents and of their Assistants, as well in the United

Kingdom

Prefatory Clauses.

Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

Duties of Emigration Officer may be performed by his Assistant or by Officer of Customs.

IX. All Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer may be exercised and performed respectively by his Assistant, or, at any Port where there shall be no such Emigration Officer or Assistant, or in their Absence, by the Chief Officer of Customs for the Time being at such Port.

Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers.

X. The Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of *British* Ships, to Her Majesty's Consular Officer at any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with; the Master of any Ship who shall omit or fail to comply with any of the Requirements of this Section shall be liable to a Penalty not exceeding Fifty Pounds.

Penalty on Master failing to comply, &c.

Arrangements for the Ship.

No Passenger Ship to clear without Certificate from Emigration Officer, nor until Bond be given to the Crown.

XI. No Ship fitted or intended for the Carriage of Passengers as a "Passenger Ship" shall clear out or proceed to Sea until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate of Clearance under his Hand that all the Requirements of this Act, so far as the same can be complied with, before the Departure of such Ship, have been duly complied with, and that such Ship is, in his Opinion, seaworthy, in safe Trim, and in all respects fit for her intended Voyage, and that her Passengers and Crew are in a fit State to proceed, nor until the Master shall have joined in executing such Bond to the Crown as required by the Sixty-third Section of this Act: Provided, that if such Emigration Officer shall refuse to grant such Certificate, and the Owner or Charterer of such Ship shall appeal in Writing to the Emigration Commissioners, such Commissioners shall appoint any Two other Emigration Officers, or any Two competent Persons, at the Expense of the Appellant, to examine into the Matter, and if the Persons so appointed shall grant a Certificate under their joint Hands to the Purport herein-before required, such Certificate shall be held to be of the same Effect as if granted by the Emigration Officer of the Port of Clearance.

Forfeiture of Ship if Master

XII. If any "Passenger Ship" shall clear out or proceed to Sea without the Master's having first obtained such Certificate of Clearance, or without his having joined in executing such Bond, as by this Act is required, or if such Ship after having sailed shall put into any Port or Place in the United Kingdom in a damaged State, and shall put to Sea again without the Master having first obtained such Certificate of Clearance as required by Section Fifty of this Act, such Ship shall be forfeited to the Use of Her Majesty, and may be seized by any Officer of Customs, if found within Two Years from the Commission of the Offence, in any Port or Place in Her Majesty's Dominions; and such Ship shall thereupon be dealt with in the same Manner as if she had been seized as forfeited under any of the Laws relating to the Customs for an Offence incurring Forfeiture under those Laws.

Arrangements for the Ship.

proceeds to Sea without Certificate of Clearance, &c.

Such Ship to be dealt with as if seized under Laws relating to Customs.

XIII. No Ship shall carry Passengers or Cabin Passengers on more than Two Decks; provided that Cabin Passengers in a Proportion not exceeding One Cabin Passenger for every One hundred Tons of the Ship's registered Tonnage, or sick Persons placed in a Hospital, as herein-after provided, may be carried in a Poop or Deck House, notwithstanding that Passengers are carried on Two other Decks, and if Passengers are carried under the Poop or in any Round House or Deck House, such Poop, Round House, or Deck House shall be properly built and secured to the Satisfaction of the Emigration Officer at the Port of Clearance: For any Breach of this Enactment the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Five hundred Pounds nor less than Twenty Pounds Sterling.

Where Passengers may be carried.

XIV. For determining the Number of Passengers to be carried in any "Passenger Ship" the following Rules shall be observed:

Rule for determining the Number of Passengers to be carried.

(1.) No ship propelled by Sails only shall carry a greater Number of Persons (including every Individual on board) than in the Proportion of One Statute Adult to every Two Tons of her registered Tonnage:

Tonnage Check.

(2.) No Ship shall carry under the Poop, or in the Round House or Deck House, or on the "Upper Passenger Deck," a greater Number of Passengers than in the Proportion of One Statute Adult to every Fifteen clear Superficial Feet of Deck allotted to their Use:

Space Check.

(3.) No Ship shall carry on her Lower Passenger Deck a greater Number of Passengers than in the Proportion of One Statute Adult to every Eighteen clear Superficial Feet of Deck allotted to their Use: Provided nevertheless, that if the Height between such Lower Passenger Deck and the Deck immediately above it shall be less than Seven Feet, or if the Apertures (exclusive

Arrangements for the Ship.

(exclusive of Side Scuttles) through which Light and Air shall be admitted together to the Lower Passenger Deck shall be less in Size than in the Proportion of Three Square Feet to every One hundred Superficial Feet of the Lower Passenger Deck, no greater Number of Passengers shall be carried on such Deck than in the Proportion of One Statute Adult to every Twenty-five clear Superficial Feet thereof:

(4.) No Ship, whatever be her Tonnage or superficial Space of "Passenger Decks," shall carry a greater Number of Passengers on the whole than in the Proportion of One Statute Adult to every Five Superficial Feet, clear for Exercise on the upper Deck or Poop, or (if secured and fitted on the Top with a Railing or Guard to the Satisfaction of the Emigration Officer at the Port of Clearance) on any Round House or Deck House:

(5.) In the Measurement of the Passenger Decks, Poop, Round House, or Deck House, the Space for the Hospital and that occupied by such Portion of the personal Luggage of the Passengers as the Emigration Officer may permit to be carried there shall be included:

Penalty.

If there shall be on board of any Ship at or after the Time of Clearance a greater Number, either of Persons or Passengers (except by Births at Sea), than in the Proportions respectively herein-before mentioned, the Master of such Ship shall be liable to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling for each Passenger or Person constituting such Excess.

Nothing to extend to repeal 16 & 17 Vict. c. 84.

XV. Provided nevertheless, That nothing in this Act contained shall extend to repeal or vary an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Eighty-four, intituled *An Act to amend the Passengers Act,* 1852, *so far as relates to the Passages of Natives of* Asia *or* Africa, *and also Passages between the Island of* Ceylon *and certain Parts of the* East Indies.

Passengers Lists to be delivered in Duplicate by the Master before Clearance.

XVI. The Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (B.) hereto annexed, correctly setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when countersigned by the Emigration Officer,

Arrangements for the Ship.

Officer, where there is One at the Port, shall be delivered by the Master to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon also countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall note in Writing on such last-mentioned List, and on any additional Lists to be made out as next herein-after provided, the Date and supposed Cause of Death of any Passenger who may die, and the Date of Birth and Sex of any Child who may be born on the Voyage, and shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consular Officer at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs or such Consular Officer, as the Case may be, at the final Port or Place of Discharge, and such Officer of Customs or Consular Officer shall thereupon forthwith transmit the Particulars respecting any Passenger who may die, or of any Child who may be born on the Voyage to the Registrar General of Births, Deaths, and Marriages in *England*, who shall file the same, and enter a Copy thereof under his Hand, in the "Marine Register Book," which Entry shall be dealt with and be of the same Value as Evidence as any other Entry made in such Book under the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for registering Births, Deaths, and Marriages in* England: In case of Noncompliance with any of the Requirements of this Section on the Part of the Master, or if such Lists shall be wilfully false, the Master shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Five Pounds Sterling.

6 & 7 W. 4. c. 86.

Lists of Passengers embarked after Clearance to be delivered by Master.

XVII. If at any Time after such Lists shall have been signed and delivered as aforesaid any additional Passenger shall be taken on board, in every such Case the Master shall, according to the Form aforesaid, add to "The Master's List" the Names and other Particulars of every such additional Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other Particulars of every such additional Passenger, and such last-mentioned List, when countersigned by the Emigration Officer, where there is One at the Port, shall, together with "The Master's List" to which such Addition shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon

Arrangements for the Ship.

thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List, and so on in like Manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the Port or Place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next Port or Place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned: Provided, that when any additional Passengers shall be taken on board the Master shall obtain a fresh Certificate from the Emigration Officer of the Port that all the Requirements of this Act have been duly complied with before the Ship shall proceed to Sea: In case of Noncompliance with any of the Requirements of this Section, the Master of such Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Penalty on Noncompliance.

Penalty on Persons found on board Ships without Consent of Owners, &c.

XVIII. If any Person shall be found on board any Passenger Ship with Intent to obtain a Passage therein without the Consent of the Owner, Charterer, or Master thereof, such Person, and every Person aiding and abetting him in such fraudulent Intent, shall respectively be liable to a Penalty not exceeding Five Pounds, and in default of Payment to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Calendar Months; and such Person so found on board may be taken before any Justice of the Peace, without Warrant, and such Justice may summarily hear the Case, and on Proof of the Offence convict such Offender as aforesaid.

All Passenger Ships to be surveyed before clearing out.

XIX. No "Passenger Ship" shall clear out or proceed to Sea unless she shall have been surveyed, under the Direction of the Emigration Officer at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by Two or more competent Surveyors to be appointed by the said Emigration Commissioners for each Port at which there may be an Emigration Officer, and for other Ports by the Commissioners of Customs, nor unless it shall be reported by such Surveyors that such "Passenger Ship" is in their Opinion seaworthy, and fit for her intended Voyage. The Survey shall be made before any Part of the Cargo is taken on board, except so much as may be necessary for ballasting the Ship, and such Portion of Cargo if laden on board shall be shifted, if required by the Emigration Officer or Surveyors, so as to expose to view successively every Part of the Frame of the Ship. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall

Penalty on Noncompliance.

shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Five Pounds Sterling: Provided always, that in case any "Passenger Ship" shall be reported by any such Surveyors not to be seaworthy, or not fit for her said intended Voyage, the Owner or Charterer, if he shall think fit, may require, by Writing under his Hand, the Emigration Officer, or in his Absence the Chief Officer of Customs, to appoint Three other competent Surveyors, of whom Two at least shall be Shipwrights, to survey the said Ship, at the Expense of the said Owner or Charterer; and the said Officer shall thereupon appoint such Surveyors, who shall survey the said Ship, and if they shall, by an unanimous Report under their Hands (but not otherwise), declare the said Ship to be seaworthy, and fit for her intended Voyage, the said Ship shall then, for the Purposes of this Act, be deemed seaworthy for such Voyage.

Arrangements for the Ship.

Power to Owners to appeal against Surveyors Report of Ships not being seaworthy.

XX. In every "Passenger Ship" the Beams supporting the "Passenger Decks" shall form Part of the permanent Structure of the Ship: They shall be of adequate Strength, in the Judgment of the Emigration Officer at the Port of Clearance, and shall be firmly secured to the Ship to his Satisfaction. The "Passenger Decks" shall be at least One Inch and a Half in Thickness, and shall be laid and firmly fastened upon the Beams continuously from Side to Side of the Compartment in which the Passengers are berthed. The Height between that Part of any Deck on which Passengers are carried and the Deck immediately above it shall not be less than Six Feet. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

As to the Construction of Beams and Decks.

XXI. There shall not be more than Two Tiers of Berths on any One Deck in any "Passenger Ship," and the Interval between the Floor of the Berths and the Deck immediately beneath them shall not be less than Six Inches, nor the Interval between each Tier of Berths and between the uppermost Tier and the Deck above it less than Two Feet Six Inches: The Berths shall be securely constructed, and of Dimensions not less than Six Feet in Length and Eighteen Inches in Width for each Statute Adult, and shall be sufficient in Number for the proper Accommodation of all the Passengers contained in the Lists of Passengers herein-before required to be delivered by the Master of the Ship. No Part of any Berth shall be placed within Nine Inches of any Water-Closet erected in the Between-Decks. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master

Arrangement and Size of Berths.

of

Arrangements for the Ship.

of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Single Men to be berthed in a separate Compartment.

XXII. In every "Passenger Ship" all the Male Passengers of the Age of Fourteen Years and upwards who shall not occupy Berths with their Wives shall, to the Satisfaction of the Emigration Officer at the Port of Clearance, be berthed in the fore Part of the Ship, in a Compartment divided off from the Space appropriated to the other Passengers by a substantial and well-secured Bulk-head, without Opening into, or Communication with, any adjoining Passenger Berth, or in separate Rooms if the Ship be fitted with enclosed Berths: Not more than One Passenger, unless Husband and Wife, or Females or Children under Twelve Years of Age, shall be placed in or occupy the same Berth. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

As to Numbers and Sexes in One Berth.

Penalty.

Berths not to be removed till Passengers landed.

XXIII. No Berths in a "Passenger Ship" occupied by Passengers during the Voyage shall be taken down until Forty-eight Hours after the Arrival of such Ship at the Port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the Expiration of that Time. In case of Noncompliance with any of the Requirements of this Section, the Master of such Ship shall be liable for each Offence to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Space to be allotted as an Hospital.

XXIV. In every "Passenger Ship" there shall be a sufficient Space properly divided off to the Satisfaction of the Emigration Officer at the Port of Clearance, to be used exclusively as a Hospital or Hospitals for the Passengers: This Space shall be under the Poop, or in the Round House, or in any Deck House which shall be properly built and secured to the Satisfaction of such Emigration Officer, or on the Upper Passenger Deck, and not elsewhere, and shall in no Case be less than Eighteen clear Superficial Feet for every Fifty Passengers which the Ship shall carry. Such Hospitals shall be fitted with Bed-places, and supplied with proper Beds, Bedding, and Utensils, to the Satisfaction of the Emigration Officer at the Port of Clearance, and throughout the Voyage kept so fitted and supplied. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Penalty.

Arrangements for the Ship.

Regulation as to Construction of Privies.

XXV. No "Passenger Ship" shall clear out or proceed to Sea unless fitted, to the Satisfaction of the Emigration Officer at the Port of Clearance, with at least Two Privies, and with Two additional Privies on Deck for every One hundred Passengers on board, and in Ships carrying as many as Fifty Females Passengers, with at least Two Water-closets under the Poop, or elsewhere on the Upper Deck, to the satisfaction of such Emigration Officer, for the exclusive Use of the Women and young Children; all of which Privies and Water-closets shall be firmly constructed and maintained in a serviceable and cleanly Condition throughout the Voyage, and shall not be taken down until the Expiration of Forty-eight Hours after the Arrival of the Ship at the Port of final Discharge, unless all the Passengers sooner quit the Ship; provided that such Privies shall be placed in equal Numbers on each Side of the Ship, and need not in any Case exceed Twelve in Number. In case of Noncompliance with any of the Requirements of this Section, the Master shall be liable to a Penalty for each Offence not exceeding Fifty Pounds nor less than Five Pounds Sterling.

As to Light and Ventilation.

XXVI. No "Passenger Ship" shall clear out or proceed to Sea without such Provision for affording Light and Air to the Passenger Decks as the Circumstances of the Case may, in the Judgment of the Emigration Officer at the Port of Clearance, require; nor if there are as many as One hundred Passengers on board, without having an adequate and proper ventilating Apparatus, to be approved by such Emigration Officer and fitted to his Satisfaction; the Passengers shall, moreover, have the free and unimpeded Use of the whole of each Hatchway situated over the Space appropriated to their Use, and over each such Hatchway there shall be erected such a Boobyhatch or other substantial Covering as shall, in the Opinion of such Emigration Officer, afford the greatest Amount of Light and Air, and of Protection from Wet, as the Case will admit. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of the Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds.

Penalty on Noncompliance.

Regulations as to the carrying of Boats;

XXVII. Every "Passenger Ship" shall carry throughout the Voyage a Number of Boats according to the following Scale; (that is to say,)

Two Boats for every Ship of less than Two hundred Tons:

Three Boats for every Ship of Two hundred and less than Four hundred Tons:

Four Boats for every Ship of Four hundred and less than six hundred Tons:

Five

Arrangements for the Ship.

Five Boats for every Ship of Six hundred and less than Ten hundred Tons:

Six Boats for every Ship of Ten hundred and less than Fifteen hundred Tons:

Seven Boats for every Ship of Fifteen hundred Tons and upwards: Provided that no "Passenger Ship" shall be required to carry a greater Number of Boats than are sufficient in the Judgment of the Emigration Officer at the Port of Clearance to carry all the Persons on board of such Ship.

of Life Boats;

One of such Boats shall in all Cases be a Long Boat, and One shall be a properly fitted Life Boat, which shall be carried in such a Manner as to be, in the Opinion of the Emigration Officer, most available for immediate Service: Each of such Boats shall be of a suitable Size and Description, to be approved by the Emigration Officer at the Port of Clearance, and shall be seaworthy, and properly supplied with all Requisites, and kept clear at all Times for immediate Use at Sea: There shall likewise be on board each "Passenger Ship," if proceeding to any Place to the Southward of the Equator at least Two Chronometers, and if to any Place to the Northward of the Equator at least One Chronometer, and on board of all "Passenger Ships" at least Three Steering and One Azimuth Compass, Four properly fitted Life Buoys, kept ready at all Times for immediate Use, and some adequate Means, to be approved by the Emigration Officer at the Port of Clearance, of making Signals by Night and in Fogs; also a Fire Engine, in proper working Order, and of such Description and Power and either with or without such other Apparatus for extinguishing Fire as such Officer may approve; and not less than Three Bower Anchors of such Weight, and with Cables of such Length, Size, and Material, as in the Judgment of such Emigration Officer shall be sufficient for the Size of the Ship. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

and of Life Buoys, Anchors, and Fire Engines, &c.

Regulations as to carrying an efficient Crew.

XXVIII. Every "Passenger Ship" shall be manned with an efficient Crew for her intended Voyage, to the Satisfaction of the Emigration Officer from whom a Clearance of such Ship may be demanded, and the Strength of the Crew shall not be diminished, nor any of the Men changed when once passed by such Emigration Officer, without his Consent in Writing, or that of the Shipping Master of the Port of Clearance, as required by the Laws then in force regulating the shipping of Seamen on board Merchant Vessels. Where the Consent of the

Shipping Master is obtained, it shall, within Twenty-four Hours thereafter, be lodged with such Emigration Officer. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds: Provided, that if the Emigration Officer shall consider the Crew inefficient, and the Owner or Charterer of the Ship shall thereupon appeal in Writing to the said Emigration Commissioners, such Commissioners shall, at the Expense of the Appellant, appoint Two other Emigration Officers or Two competent Persons to examine into the Matter, and the unanimous Opinion of the Persons so appointed, expressed under their Hands, shall be conclusive on the Point.

Arrangements for the Ship.

XXIX. No "Passenger Ship" shall clear out or proceed to Sea if there shall be on board as Cargo, Horses, Cattle, Gunpowder, Vitriol, Lucifer Matches, Guano, or Green Hides, nor if there shall be on board any other Article or Number of Articles, whether as Cargo or Ballast, which by reason of the Nature or Quantity or Mode of Stowage thereof shall, either singly or collectively, be deemed by the Emigration Officer at the Port of Clearance likely to endanger the Health or Lives of the Passengers or the Safety of the Ship: No part of the Cargo, or of the Passengers Luggage, or of the Provisions, Water, or Stores, whether for the Use of the Passengers or of the Crew, shall be carried on the Upper Deck or on the "Passenger Decks," unless in the Opinion of such Emigration Officer it shall be so placed as not to impede Light or Ventilation, nor interfere with the Comfort of the Passengers; nor unless the same be stowed and secured to the Satisfaction of such Emigration Officer, and the Space occupied thereby or rendered, in the Opinion of such Officer, unavailable for the Accommodation of the Passengers, shall (unless occupied by Passengers Luggage) be deducted in calculating the Space by which, under the Provisions of this Act, the Number of Passengers is regulated. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master, or any of them, shall for each Offence be liable to a Penalty not exceeding Three hundred Pounds nor less than Five Pounds Sterling.

Certain Articles prohibited as Cargo and Ballast.

Stowage of Cargo, Stores, and Luggage to be approved by Emigration Officer.

XXX. For the Purposes of this Act, the Length of the Voyage for a "Passenger Ship" proceeding from the United Kingdom to the under-mentioned Places respectively shall be determined by the following Scale; (that is to say,)

Computation of Voyages.

Arrangements for the Ship.

	If the Ship be propelled by Sails alone, or by Steam Power not sufficient, without the Aid of Sails, to propel the Ship after the Rate of Five Statute Miles an Hour.	If the Ship be propelled either wholly or in Aid of Sails by Steam Engines of not less Power than sufficient, without the Aid of Sails, to propel the Ship after the Rate of Five Statute Miles an Hour.
	Days.	*Days.*
To *North America* (except the West Coast thereof):—		
For Ships clearing out between the Sixteenth Day of *January* and the Fourteenth Day of *October*, both Days inclusive . .	70	40
For Ships clearing out between the Fifteenth Day of *October* and the Seventeenth Day of *January*, both Days inclusive	80	45
To the *West Indies*, and any Part of the East Coast of *Central* or *South America*, North of the Equator . .	70	40
To any Part of the East Coast of *South America* lying between the Equator and the Twenty-fifth Degree of South Latitude	84	50
To the West Coast of *Africa* North of the Equator	84	50
To the Coast of *Africa* South of the Equator, or to the *Falkland Islands*, or to any Part of the East Coast of *South America* Southward of the Twenty-fifth Degree of South Latitude	105	65
To the *Mauritius*, and to the Western Coast of *America* South of the Equator	126	75
To *Ceylon*	140	85
To *Western Australia*	120	85
To any other of the *Australian* Colonies	140	90
To *New Zealand* and to the Western Coast of *America* between the Equator and the Fortieth Degree of North Latitude	150	90
To the Western Coast of *America* North of the Fortieth Degree of North Latitude, and the Islands adjacent thereto	182	96

For the like Purposes, the said Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any

Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, may nevertheless declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned Places, or to any other Port or Place whatsoever, and may fix such different Lengths of Voyage as they may think reasonable for such different Descriptions of Vessels as aforesaid.

Arrangements for the Ship.

Before Clearance, Provisions and Water to be surveyed.

XXXI. Before any "Passenger Ship" shall be cleared out the Emigration Officer at the Port of Clearance shall survey or cause to be surveyed by some competent Person the Provisions and Water by this Act required to be placed on board for the Consumption of the Passengers, and shall satisfy himself that the same are of a good and wholesome Quality, and in a sweet and good Condition, and are in Quantities sufficient to secure throughout the Voyage the Issues herein-after prescribed: In addition to the Allowance of pure Water for the Use of each Passenger there shall be shipped for cooking Purposes an additional Supply of pure Water after the Rate of at least Ten Gallons for every Day of the prescribed Length of Voyage for every one hundred Statute Adults on board; and also for the Use of the Crew and all other Persons on board an ample Supply of wholesome Provisions and pure Water, which shall not be inferior in Quality to the Supply of the same Articles provided for the Consumption of the Passengers: All such Water, Provisions, and Stores shall be provided and properly stowed away in accordance with the Requirements of the Twenty-ninth Section of this Act, by and at the Expense of the Owner, Charterer, or Master of the Ship; and if a Clearance be obtained for any "Passenger Ship" which shall not be then stored with the requisite Quantities of such Water, Provisions, and Stores as are required by this Act, the Owner, Charterer, or Master of such Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Three hundred Pounds Sterling.

Provisions for the Crew not to be inferior to those for the Passengers.

Penalty.

Power to Emigration Officer to reject and mark bad Provisions, and direct the same to be landed, and if reshipped Parties liable to a Penalty.

XXXII. If such Emigration Officer shall consider that any of the Provisions or Stores or Water are not of a good and wholesome Quality, or are not in a sweet and good Condition, it shall be lawful for him to reject and mark the same, or the Packages or Vessels in which they are contained, and to direct the same to be landed or emptied; and if such rejected Provisions or Stores or Water shall not thereupon be forthwith landed or emptied, or if, after being landed, the same or any Part thereof shall be reshipped in such Ship, the Owner, Charterer, or Master thereof, or any of them, or if reshipped in any other "Passenger Ship," the Person causing the same to be

Arrangements for the Ship.

be reshipped, shall for each Offence be liable to a Penalty not exceeding One Hundred Pounds Sterling.

Water Tanks or Casks to be approved by Emigration Officer.

XXXIII. In every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried in Tanks or in Casks to be approved by the Emigration Officer at the Port of Clearance. When Casks are used, they shall be sweet and tight, of sufficient Strength, and if of Wood properly charred inside, and shall not be capable severally of containing more than Three hundred Gallons each: The Staves of the Water Casks shall not be made of Fir, Pine, or Soft Wood. In case of Noncompliance with any of the Requirements of this Section, the Owner, Charterer, or Master of such Ship, or any of them, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds.

Provision for touching at intermediate Ports to fill up Water.

XXXIV. If any "Passenger Ship" shall be intended to call at any intermediate Port or Place during the Voyage, for the Purpose of taking in Water, and if an Engagement to that Effect shall be inserted in the Bond mentioned in the Sixty-third Section of this Act, then it shall be sufficient to place on board at the Port of Clearance such Supply of Water as may be requisite, according to the Rate hereinafter mentioned, for the Voyage of the said Ship to such intermediate Port or Place, subject to the following Conditions; (that is to say,)

First, That the Emigration Officer signify his Approval in Writing of the Arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consular Officer, as the Case may be, at such intermediate Port or Place, and to be delivered to the Chief Officer of Customs, or to Her Majesty's Consular Officer, as the Case may be, on the Arrival of the said Ship at the final Port or Place of Discharge:

Secondly, That if the Length of either Portion of the Voyage, whether to such intermediate Port or Place, or from such intermediate Port or Place to the final Port or Place of Discharge, be not prescribed in or under the Provisions of this Act, the Emigration Officer at the Port of Clearance shall in every such Case declare the same in Writing to be carried amongst the Papers of the Ship:

Thirdly, That the Ship shall have on board at the Time a Clearance is demanded Tanks or Water Casks, of the Description herein-before mentioned, sufficient for stowing the Quantity of Water required for the longest of such Portions of the Voyage as aforesaid.

Arrangements for the Ship.

Dietary Scales of Provisions.

XXXV. The Master of every "Passenger Ship" shall, during the Voyage, including the Time of Detention at any Place before the Termination thereof, issue to each Passenger, or, where the Passengers are divided into Messes, to the Head Man for the Time being of each Mess on behalf and for the Use of all the Members thereof, an Allowance of pure Water and sweet and wholesome Provisions, of good Quality, according to the following Dietary Scale; (that is to say,) if the Length of the Voyage, computed as herein-before mentioned, shall not exceed Eighty-four Days for Ships propelled by Sails only, or Fifty Days for Ships propelled by Steam, or Steam in aid of Sails, then according to the Dietary Scale marked "A.;" but if the Length of the Voyage, computed as aforesaid, shall exceed Eighty-four Days for Ships propelled by Sails only, or Fifty Days for Ships propelled by Steam, or Steam in aid of Sails, then according to the Dietary Scale marked "B."

WATER.

Three Quarts of Water daily to each Statute Adult, exclusive of the Quantity herein-before specified as necessary for cooking the Articles herein-after required to be issued in a cooked State.

PROVISIONS.

Weekly, *per* Statute Adult:—

	SCALE A. For Voyages not exceeding 84 Days for Sailing Vessels, or 50 Days for Steamers.	SCALE B. For Voyages exceeding 84 Days for Sailing Vessels, or 50 Days for Steamers.
	lbs. oz.	lbs. oz.
Bread or Biscuit, not inferior in Quality to Navy Biscuit	3 8	3 8
Wheaten Flour	1 0	2 0
Oatmeal	1 8	1 0
Rice	1 8	0 8
Peas	1 8	1 8
Potatoes	2 0	2 0
Beef	1 4	1 4
Pork	1 0	1 0
Tea	0 2	0 2
Sugar	1 0	1 0
Salt	0 2	0 2
Mustard	0 ½	0 ½
Black or White Pepper, ground	0 ¼	0 ¼
Vinegar	One Gill.	One Gill.
Lime Juice	. .	0 6
Preserved Meat	. .	1 0
Suet	. .	0 6
Raisins	. .	0 8
Butter	. .	0 4

SUBSTITUTIONS.

Arrangements for the Ship.

Substitutions at the following Rates may, at the Option of the Master of any "Passenger Ship," be made in the above Dietary Scales, that is to say:—

1 lb. of preserved Meat .	for	1 lb. of Salt Pork or Beef.
1 lb. of Flour or of Bread or Biscuit, or ½ lb. of Beef or of Pork . .	for	1¼ lb. of Oatmeal or 1 lb. of Rice or 1 lb. of Peas.
1 lb. of Rice . . .	for	1¼ lb. of Oatmeal, or vice versâ.
¼ lb. of preserved Potatoes	for	1 lb. of Potatoes.
10 oz. of Currants . .	for	8 oz. of Raisins.
3½ oz. of Cocoa or of Coffee, roasted and ground	for	2 oz. of Tea.
¾ lb. of Treacle . .	for	½ lb. of Sugar.
1 gill of mixed Pickles .	for	1 gill of Vinegar.

Penalty on Noncompliance.

Provided, that the substituted Articles be set forth in the Contract Tickets of the Passengers. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall be liable for each Offence to a Penalty not exceeding Fifty Pounds Sterling.

Size of Messes.

Provisions to be issued daily, and Articles which require cooking to be cooked.

XXXVI. The Messes into which the Passengers in any Passenger Ship may be divided shall not consist of more than Ten Statute Adults in each Mess, and Members of the same Family, whereof One at least is a Male Adult, shall be allowed to form a separate Mess. The Provisions according to the above Scale shall be issued, such of them as require to be cooked, in a properly cooked State, daily before Two o'Clock in the Afternoon, to the Head Person for the Time being of each Mess, on behalf and for the Use of the Members thereof. The first of such Issues shall be made before Two o'Clock in the Afternoon of the Day of Embarkation to or for such Passengers as shall be then on board. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds.

Power to Emigration Commissioners to authorize an alternative Dietary Scale.

XXXVII. The said Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, may from Time to Time, by any Notice for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the *London Gazette,* authorize the Issue of Provisions in any "Passenger Ship" according to such other Dietary Scale (besides that herein-before prescribed) as shall in their Opinion contain in the whole an equivalent Amount of wholesome Nutriment; and after the Publication of such Notice it shall be lawful for the Master of any "Passenger Ship" to issue Provisions to his Passengers either according to the Scale by this Act prescribed, or according to the Scale authorized by the said Commissioners, whichever may have been set forth in the Contract Tickets of the Passengers: Provided always, that the said Commissioners acting under such Authority and by such Notice as aforesaid may revoke or alter any such Dietary Scale authorized by them, as Occasion may require.

Arrangements for the Ship.

Power to Commissioners to alter Dietary Scale.

XXXVIII. Every "Passenger Ship" carrying as many as One hundred Passengers shall have on board a seafaring Person, who shall be rated in the Ship's Articles as Passengers Steward, and who shall be approved by the Emigration Officer at the Port of Clearance, and who shall be employed in messing and serving out the Provisions to the Passengers, and in assisting to maintain Cleanliness, Order, and Good Discipline among the Passengers, and who shall not assist in any way in navigating or working the Ship. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

As to Passengers Stewards.

Penalty on Noncompliance.

XXXIX. Every "Passenger Ship" carrying as many as One hundred Passengers shall also have on board a seafaring Man, or if carrying more than Three hundred "Statute Adults," Two seafaring Men, to be rated and approved as in the case of Passengers Stewards, who shall be employed in cooking the Food of the Passengers: A convenient Place for cooking shall also be set apart on Deck; and a sufficient cooking Apparatus, properly covered in and arranged, shall be provided, to the Satisfaction of the said Emigration Officer, together with a proper Supply of Fuel adequate, in his Opinion, for the intended Voyage. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

As to Passenger Cooks and cooking Apparatus.

Penalty on Noncompliance.

XL. In every Foreign "Passenger Ship" in which as many as One Half of the Passengers shall be *British* Subjects, unless the Master and Officers or not less than Three of them shall understand and speak intelligibly the *English* Language, there shall be carried, where the Number of Passengers does not exceed Two hundred and fifty, One Person, and where it exceeds Two hundred and fifty, Two Persons, who understand and speak intelligibly the Language spoken by the Master

In what Cases Interpreters to be carried.

Arrangements for the Ship.

Master and Crew and also the *English* Language, and such Persons shall act as Interpreters, and be employed exclusively in Attendance on the Passengers, and not in the working of the Ship; and no such Ship shall clear out or proceed to Sea without having such Interpreter or Interpreters on board; and the Master of any such Foreign Ship clearing out or proceeding to Sea without having such Interpreter or Interpreters on board as aforesaid shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Penalty.

In what Cases a Medical Man must be carried.

XLI. Every "Passenger Ship" shall in the following Cases carry a duly qualified Medical Practitioner, who shall be rated on the Ship's Articles:

First, when the Duration of the intended Voyage, as herein-before computed, exceeds Eighty Days, in the Case of Ships propelled by Sails, and Forty-five Days in the Case of Ships propelled by Steam, and the Number of Passengers on board exceeds Fifty:

Second, whenever the Number of Persons on board (including Cabin Passengers, Officers, and Crew,) exceeds Three hundred:

Penalty.

In case of Noncompliance with any of the Requirements of this Section, the Master shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Twenty Pounds Sterling.

Qualification of Medical Man.

XLII. No Medical Practitioner shall be considered to be duly qualified for the Purposes of this Act unless authorized by Law to practise in some Part of Her Majesty's Dominions, or, in the Case of a Foreign Ship, in the Country to which such Ship may belong, as a Physician, Surgeon, or Apothecary, nor unless his Name shall have been notified to the Emigration Officer at the Port of Clearance, and shall not be objected to by him, nor unless he shall be provided with proper Surgical Instruments to the Satisfaction of such Officer: Provided nevertheless, that where the Majority of the Passengers in any "Passenger Ship," or as many as Three hundred, are Foreigners, any Medical Practitioner who may be approved by such Emigration Officer may be carried therein. In case any Person shall proceed or attempt to proceed as Medical Practitioner in any "Passenger Ship" without being duly qualified as aforesaid, or contrary to any of the Requirements of this Section, such Person and all Persons aiding or abetting therein shall for each Offence be liable to a Penalty not exceeding One hundred Pounds nor less than Ten Pounds Sterling.

Penalty.

Medicines and Medical Comforts.

XLIII. The Owner or Charterer of every "Passenger Ship" shall provide for the Use of the Passengers a Supply of Medicines, Medical Comforts, Instruments, and other Things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the Medical Treatment of the Passengers during the Voyage, including an adequate Supply of disinfecting Fluid or Agent, together with printed or written Directions for the Use of the same respectively; and such Medicines, Medical Comforts, Instruments, and other Things shall, in the Judgment of the Emigration Officer at the Port of Clearance, be good in Quality, and sufficient in Quantity, for the probable Exigencies of the intended Voyage, and shall be properly packed and placed under the Charge of the Medical Practitioner, when there is one on board, to be used at his Discretion. In case of Noncompliance with any of the Requirements of this Section, the Master of the Ship shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Arrangements for the Ship.

Penalty.

Medical Inspection of Passengers and Medicines, &c.

XLIV. No "Passenger Ship" except as herein-after provided, shall clear out or proceed to Sea until some Medical Practitioner, to be appointed by the Emigration Officer at the Port of Clearance, shall have inspected such Medicines, Medical Comforts, and other Articles as are required to be supplied by the last preceding Section, and also all the Passengers and Crew about to proceed in the Ship, and shall have certified to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, Medical Comforts, disinfecting Fluid or Agent, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, nor until such Medical Practitioner shall have certified and the said Emigration Officer shall be satisfied that none of the Passengers or Crew appear, by reason of any bodily or mental Disease, unfit to proceed, or likely to endanger the Health or Safety of the other Persons about to proceed in such Vessel. Such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the Discretion of the said Emigration Officer, at such convenient Place on shore before Embarkation as he may appoint; and the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer a Sum at the Rate of Twenty Shillings for every Hundred Persons so examined: Provided also, that in case the Emigration Officer on any particular Occasion shall be unable to obtain the Attendance of a Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed to Sea, on receiving from the said Emigration Officer written Permission for the Purpose. In case any "Passenger Ship" shall clear out or proceed to Sea without having complied with all the Requirements of this Section, the Master of such Ship shall for each Offence be liable to a Penalty

Penalty.

Arrangements for the Ship.

Penalty not exceeding One hundred Pounds, nor less than Five Pounds Sterling.

Relanding of Passengers on account of Sickness or for purifying Ships.

XLV. If the Emigration Officer at any Port shall be satisfied that any Person on board or about to proceed in any "Passenger Ship" is by reason of Sickness unfit to proceed, or is for that or for any other Reason likely to endanger the Health or Safety of the other Persons on board, the said Emigration Officer shall prohibit the Embarkation of such Person, or if embarked shall require him to be relanded; and if such Emigration Officer shall be satisfied that it is necessary, for the Purification of the Ship or otherwise, that all or any of the Passengers or Persons on board should be relanded, the said Emigration Officer may require the Master of the Ship to reland all such Passengers or Persons, and the Master shall thereupon reland such Passengers or Persons, with so much of their Effects and with such Members of their Families as cannot in the Judgment of such Emigration Officer be properly separated from them; and in case of Noncompliance with any of the Requirements of this Section, the Master, Owner, or Charterer of the Ship shall for each Offence be liable to a Penalty not exceeding Two hundred Pounds nor less than Ten Pounds; and any Passenger or Person embarking after such Prohibition, or refusing or neglecting to leave the Ship when so directed to be relanded, shall be liable to be summarily removed, and to a Penalty not exceeding Forty Shillings for each Day which he shall remain on board after the giving of such Prohibition or Direction.

Penalty.

Passengers Rights.

As to Return of Passage Money to Passengers relanded on account of Sickness, &c.

XLVI. Any Passenger so relanded on account of the Sickness of himself or of any Member of his Family who may not be re-embarked and finally sail in such Ship, or any Emigration Officer on his Behalf, shall be entitled to recover, by summary Process, the whole of the Monies which may have been paid by or on account of such Passenger for his Passage, and that of the Members of his Family so relanded, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer.

Subsistence Money to be paid to Passengers relanded.

XLVII. The Master of any "Passenger Ship," from which the whole or any Part of the Passengers shall be relanded on account of any of the Reasons mentioned in Section XLV. shall pay to each Passenger so relanded (or if he shall be lodged and maintained in any Hulk or Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at the Port,) Subsistence Money at the Rate of One Shilling and Sixpence a Day for each Statute Adult until he shall be re-embarked or decline or

neglect

Passengers Rights.

neglect to proceed, or until his Passage Money, if recoverable under the Forty-sixth Section of this Act, be returned to him.

Return of Passage Money and Compensation to Passengers where Passages not provided for them according to Contract.

XLVIII. If any Person by whom or on whose Behalf any Contract shall have been made for a Passage in any Ship proceeding on any Voyage to which this Act extends, shall be at the Place of Embarkation before Six o'Clock in the Afternoon of the Day of Embarkation appointed in such Contract, and shall, if required, pay the stipulated Passage Money, or the unpaid Balance thereof, and if from any Cause whatever, other than his own Refusal, Neglect, or Default, or the Prohibition of an Emigration Officer, as herein-before mentioned, or the Requirements of any Order in Council, such Passenger shall not be received on board before that Hour, or if from any such Cause as aforesaid any Passenger who shall have been received on board shall not either obtain a Passage in such Ship to the Port at which he may have contracted to land, or, together with all the immediate Members of his Family who may be included in such Contract, obtain a Passage to the same Port in some other equally eligible Ship, to sail within Ten Days from the Expiration of the said Day of Embarkation, and in the meantime be paid Subsistence Money from the Time and at the Rate herein-after mentioned, such Passenger, or any Emigration Officer on his Behalf, shall be entitled to recover either from the Party to whom or on whose Account the same may have been paid, or (in case such Contract shall have been made with the Owner, Charterer, or Master of such Ship, or with any Person acting on behalf or by the Authority of any of them respectively,) from such Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer, all Monies which shall have been paid by or on account of such Passengers, for such Passage, and also such further Sum, not exceeding Ten Pounds in respect of each such Passage, as shall, in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint, be a reasonable Compensation for the Loss or Inconvenience occasioned to such Passenger by the Loss of such Passage.

Subsistence in case of Detention.

XLIX. If any Ship, whether a "Passenger Ship" or otherwise, shall not actually put to Sea, and proceed on her intended Voyage before Three o'Clock in the Afternoon of the Day next after the said Day of Embarkation, the Owner, Charterer, or Master of such Ship or his or their Agent, or any of them, at the Option of such Passenger or Emigration Officer, shall pay to every Passenger entitled to a Passage (or if such Passenger shall be lodged and maintained in any Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at the Port of Embarkation,) Subsistence

Passengers Rights.

tence Money after the Rate of One Shilling and Sixpence for each Statute Adult in respect of each Day of Delay for the first Ten Days, and afterwards Three Shillings a Day for each Statute Adult, until the final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned; provided that if the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no such Subsistence Money shall be payable for the first Two Days next after the said Day of Embarkation, nor if they shall be maintained shall such Subsistence Money be payable if the Ship be unavoidably detained by Wind or Weather, or by any Cause not attributable in the Opinion of the Emigration Officer to the Act or Default of the Owner, Charterer, or Master.

Ships putting back to replenish Provisions, &c.

L. If any "Passenger Ship" shall, after Clearance, be detained in Port for more than Seven Days, or shall put into or touch at any Port or Place in the United Kingdom, she shall not put to Sea again until there shall have been laden on board, at the Expense of the Owner, Charterer, or Master of such Ship, such further Supply of pure Water, wholesome Provisions of the requisite Kinds and Qualities, and Medical Comforts and Stores, as may be necessary to make up the full Quantities of those Articles herein-before required to be laden on board for the intended Voyage, nor until any Damage she may have sustained shall have been effectually repaired, nor until the Master of the said Ship shall have obtained from the Emigration Officer or his Assistant, or where there is no such Officer, or in his Absence, from the Officer of Customs at such Port or Place, a Certificate to the same Effect as the Certificate herein-before required to enable the Ship to be cleared out; and in case of any Default herein the said Master shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding One hundred Pounds nor less than Fifty Pounds Sterling: And if the Master of any "Passenger Ship" so putting into or touching at any Port or Place as aforesaid shall not within Twelve Hours thereafter report, in Writing, his Arrival, and the Cause of his putting back, and the Condition of his Ship, and of her Stores and Provisions, to the Emigration Officer, or, as the Case may be, to the Officer of Customs at the Port, and shall not produce to such Officer the Official or "Master's List" of Passengers, such Master shall for each Offence be liable to a Penalty not exceeding Twenty Pounds nor less than Two Pounds Sterling.

Penalty on Master for Default.

Ships putting back to be reported to Emigration Officer.

Penalty on Master for Neglect.

In case of Wreck or Damage Passengers to be pro-

LI. If any "Passenger Ship" shall put into any Port or Place in the United Kingdom in a damaged State, and the Master, Charterer, or Owner shall not give a written Undertaking that the said Ship shall be made sound and seaworthy, and shall within Six Weeks from the Day of her so putting into such Port or Place again proceed with her Passengers on her intended Voyage, and if the said Ship shall not accordingly be made seaworthy and proceed on her intended Voyage within that Period, or if any such Ship shall after the Commencement of her Voyage be wrecked, sunk, or otherwise destroyed, or shall from any Cause whatsoever not land her Passengers at the Place where they may have respectively contracted to land, the Owner, Charterer, or Master thereof shall provide the Passengers with a Passage in some other eligible Ship to sail within Six Weeks to the Port or Place at which they respectively may have originally contracted to land, and shall in the meantime, if the Passengers be not lodged and maintained on board in the same Manner as if the Ship were at Sea, pay to such Passengers (or if such Passengers shall be lodged and maintained in any Hulk or Establishment under the Superintendence of the said Emigration Commissioners, then to the Emigration Officer at such Port or Place,) Subsistence Money after the Rate of One Shilling and Sixpence Sterling for each Statute Adult in respect of each Day of Delay until such Passengers are duly forwarded to their Destination; and if Default shall be made in any of the Requirements of this Section such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary Process, as herein-after mentioned, all Monies which shall have been paid by or on account of such Passengers or any of them for such Passage, from the Party to whom or on whose account the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer: Provided that the said Emigration Officer may, if he shall think it necessary, direct that the Passengers shall be removed from such "Passenger Ship" at the Expense of the Master thereof; and if after such Direction any Passenger shall refuse to leave such Ship, he shall be liable to a Penalty not exceeding Forty Shillings or to Imprisonment not exceeding One Calendar Month.

Passengers Rights.

—

vided with a Passage by some other Vessel, and maintained in the meantime.

In default, Passage Money to be returned.

Power to remove Passengers from Ship; Penalty on Passengers refusing.

Secretary of State, &c., may pay Expenses of taking off Passengers at Sea.

LII. If the Passengers or Cabin Passengers of any "Passenger Ship" shall be taken off from any such "Passenger Ship" or shall be picked up at Sea from any Boat, Raft, or otherwise, it shall be lawful, if the Port or Place to which they shall be conveyed shall be in the United Kingdom, for One of Her Majesty's Principal Secretaries of State, or if in any of Her Majesty's Colonial Possessions, for the Governor of such Colony, or for any Person authorized by him for the Purpose, or if in any Foreign Country, for Her Majesty's Consular

Passengers Rights.

sular Officer, at such Port or Place therein, to defray all or any Part of the Expenses thereby incurred.

Governors or Consuls may send on Passengers if the Master of the Ship fail to do so.

LIII. If any Passenger or Cabin Passenger of any "Passenger Ship" shall, without any Neglect or Default of his own, find himself within any Colonial or Foreign Port or Place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any Person authorized by him for the Purpose, or for Her Majesty's Consular Officer at such Foreign Port or Place, as the Case may be, to forward such Passenger to his intended Destination, unless the Master of such Ship shall, within Forty-eight Hours of the Arrival of such Passenger, give to the Governor or Consular Officer, as the Case may be, a written Undertaking to forward or carry on within Six Weeks thereafter such Passenger or Cabin Passenger to his original Destination, and unless such Master shall accordingly forward or carry him on within that Period.

Expenses incurred under the Two preceding Sections to be a Crown Debt.

LIV. All Expenses incurred under the last Two preceding Sections or either of them, by or by the Authority of such Secretary of State, Governor, Consular Officer, as aforesaid, including the Cost of maintaining the Passengers until forwarded to their Destination, and of all necessary Bedding, Provisions, and Stores, shall become a Debt to Her Majesty and Her Successors from the Owner, Charterer, and Master of such Ship, and shall be recoverable from them, or from any One or more of them, at the Suit and for the Use of Her Majesty, in like Manner as in the Case of other Crown Debts; and a Certificate purporting to be under the Hand of any such Secretary of State, Governor, or Consular Officer, (as the Case may be,) stating the total Amount of such Expenses, shall in any Suit or other Proceeding for the Recovery of such Debt be received in Evidence without Proof of the Handwriting or of the official Character of such Secretary of State, Governor, or Consular Officer, and shall be deemed sufficient Evidence of the Amount of such Expenses, and that the same were duly incurred: Provided nevertheless, that in no Case shall any larger Sum be recovered on account of such Expenses than a Sum equal to twice the total Amount of Passage Money received by the Owner, Charterer, or Master of such Passenger Ship, or any of them, from or on account of the whole Number of Passengers and Cabin Passengers who may have embarked in such Ship; which total Amount of Passage Money shall be proved by the Defendant, if he will have the advantage of this Limitation of the Debt; but if any such Passengers are forwarded or conveyed to their intended Destination under the Provisions of the last preceding Section, they shall not be entitled

Passengers forwarded by Governor, &c., not entitled to Return of Passage Money.

Passengers Rights.

titled to the Return of their Passage Money, or to any Compensation for Loss of Passage under the Provisions of this Act.

Insurance of Passage Money not to be void on account of the Nature of the Risk.

LV. No Policy of Assurance effected in respect of any Passages, or if any Passage or Compensation Monies, by any Person by this Act made liable, in the Events aforesaid, to provide such Passages or to pay such Monies, or in respect of any other Risk under this Act, shall be deemed to be invalid by reason of the Nature of the Risk or Interest sought to be covered by such Policy of Assurance.

Penalty on wrongfully landing Passengers.

LVI. If any Passenger in any Ship, whether a "Passenger Ship" or otherwise, shall be landed at any Port or Place other than the Port or Place at which he may have contracted to land, unless with his previous Consent, or unless such Landing shall be rendered necessary by Perils of the Sea, or other unavoidable Accident, the Master shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Ten Pounds Sterling.

Passengers to be maintained for 48 Hours after Arrival.

LVII. Every Passenger in a "Passenger Ship" shall be entitled for at least Forty-eight Hours next after his Arrival at the End of his Voyage, to sleep in the Ship, and to be provided for and maintained on board thereof, in the same Manner as during the Voyage, unless within that Period the Ship shall quit such Port or Place in the further Prosecution of her Voyage. In case of Noncompliance with any of the Requirements of this Section, the Master shall for each Offence be liable to a Penalty not exceeding Five Pounds Sterling.

Penalty.

Passengers Right of Action preserved

LVIII. Nothing herein contained shall take away or abridge any Right of Action which may accrue to any Passenger in any Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker.

Miscellaneous.

Her Majesty may, by Orders in Council, prescribe Rules for Purposes herein described.

LIX. It shall be lawful for Her Majesty, by any Order in Council, to prescribe such Rules and Regulations as to Her Majesty may seem fit, for the following Purposes; (that is to say,)

1st. For preserving Order, promoting Health, and securing Cleanliness and Ventilation on board of "Passenger Ships" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad.

2d. For permitting the Use on board of "Passenger Ships" of an Apparatus for distilling Water, and for defining in such Case the Quantity of fresh Water to be carried in Tanks or Casks for the Passengers.

3d. For prohibiting Emigration from any Port or Ports

at

Miscellaneous.

at any Time when Choleraic or any Epidemic Disease may be generally prevalent in the United Kingdom or any Part thereof, or for reducing the number of Passengers allowed to be carried in "Passenger Ships" generally, or from any particular Ports under the Provisions of this Act.

4th. For requiring duly qualified Medical Practitioners to be carried in "Passenger Ships," in Cases where they would not be required to be carried under the Provisions of this Act.

Gazette and Copies printed by Queen's Printer to be Evidence of Orders, &c.

Any such Order in Council may from Time to Time in like Manner be altered, amended, and revoked, as Occasion may require. Any Copy of such Order in Council contained in the *London Gazette*, or purporting to be printed by the Queen's Printer, shall throughout Her Majesty's Dominions be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Surgeon or Master to exact Obedience to Rules and Regulations.

Penalty on Refusal.

LX. In every such "Passenger Ship" the Medical Practitioner on board, aided by the Master thereof, or, in the Absence of such Medical Practitioner, the Master of such Ship, is hereby empowered to exact Obedience to all Rules and Regulations which may be prescribed by any such Order in Council to be observed on board "Passenger Ships" as aforesaid; and any Person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the Execution of any Duty imposed upon him by any such Rule or Regulation, or who shall offend against any of the Provisions of this Act, or who shall be guilty of riotous or insubordinate Conduct, shall be liable for each Offence to a Penalty not exceeding Two Pounds Sterling, and in addition thereto, to be confined in the Common Gaol for any Period not exceeding One Month, at the Discretion of the Justices who shall adjudicate on the Complaint.

Emigration Commissioners to prepare an Abstract of Act and Orders in Council.

Such Abstract to be posted up in each Ship.

LXI. The said Emigration Commissioners shall from Time to Time prepare such Abstracts as they may think proper of the whole or any Part of this Act, and of any such Order in Council as aforesaid; and Four Copies of such Abstracts, together with a Copy of this Act, shall, on Demand, be supplied by the Principal Officer of Customs at the Port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad; and such Master shall, on Request made to him, produce a Copy of this Act to any Passenger on board, for his Perusal, and, further, shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passenger shall be entitled to remain in the Ship, in at least Two conspicuous Places between the Decks on which Passengers may be carried, Copies of such Abstracts; and such Master shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstracts shall fail to be so posted; and any Person displacing or defacing such Abstracts so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

Penalty on Master for Neglect; and on Person defacing Abstract.

LXII. If in any "Passenger Ship" any Person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any Passenger, he shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Sale of Spirits prohibited on board Passenger Ships. Penalty.

LXIII. Before any "Passenger Ship" shall clear out or proceed to Sea, the Master, together with the Owner or Charterer of the Ship, or, in the event of the Absence of such Owner or Charterer, or if the Master be the Owner or Charterer, One other good and sufficient Person, to be approved by the Chief Officer of Customs at the Port of Clearance, shall enter into a joint and several Bond, in the Sum of Two thousand Pounds, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed. Such Bond shall not be liable to Stamp Duty, and shall be executed in Duplicate.

Bond to be given by Masters of British and Foreign Passenger Ships.

LXIV. It shall be the Duty of the Chief Officer of Customs at the Port of Clearance of any "Passenger Ship" bound to any of Her Majesty's Possessions abroad, to certify on One Part of such Bond that it has been duly executed by the said Master of such Ship and the other Obligor, and to forward the same by Post to the Colonial Secretary of the Colony to which such "Passenger Ship" may be bound; and such Certificate shall, in any Colonial Court of Judicature in which the Bond may be put in suit, be deemed conclusive Evidence of the due Execution of the Bond by the said Master and the other Obligor, and it shall not be necessary to prove the Handwriting of the Officer of Customs who may have signed such Certificate, nor that he was at the Time of signing it Chief Officer of Customs at the Port of Clearance; provided that no such Bond shall be put in suit in any of Her Majesty's Possessions abroad after the Expiration of Three Calendar Months next after the Arrival therein of the said Ship, nor in the United Kingdom after the Expiration of Twelve Calendar Months next after the Return of the said Ship and of the said Master to the United Kingdom.

Counterpart of Bond to be certified, and sent to the Colony to which Ship bound, and to be received in Evidence without further Proof of Execution.

LXV. In the Absence of any Agreement to the contrary, the Owner shall be the Party ultimately responsible, as between himself and the other Persons hereby made liable in respect

In the Absence of Agreement to the con-

of

Miscellaneous.

trary the Owner to be responsible in respect of Default.

of any Default in complying with the Requirements of this Act; and that if any such last-mentioned Person shall pay any Monies hereby made payable to or on behalf of any such Passengers as aforesaid, the Person so paying the same shall be entitled, in the Absence of any such Agreement as aforesaid, to sue for and recover from the Owner the Amount so paid, together with Costs of Suit.

Passage Brokers.

No Person to act as a Passage Broker without a Licence.

LXVI. No Person whatever shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties to be approved by the Emigration Officer at the Port nearest to the Place of Business of such Person, shall have previously entered into a joint and several Bond, in the Sum of One thousand Pounds to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (D.) hereto annexed, which Bond shall be renewed on each Occasion of obtaining such Licence as herein-after mentioned, and shall be in Duplicate, without Stamps, and One Part thereof shall be deposited at the Office in *London* of the said Emigration Commissioners, and the other Part thereof with the Emigration Officer at the Port nearest to the Place of Business of such Person; nor unless such Person shall have obtained a Licence, as herein-after mentioned, to let or sell Passages, nor unless such Licence shall then be in force; and if any Person shall offend in any Particular against this Enactment, every Person so offending shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds, to be sued for and recovered as herein-after mentioned: Provided, that such Bond shall not be required of any Person who shall be One of the Sworn Brokers of the City of *London*: Provided also, that there shall be excepted from the Operation of this Section the said Emigration Commissioners, and any Persons contracting with them, or acting under their Authority, and also any Person acting as the Agent of any Passage Broker in pursuance of an Appointment made in the Form prescribed by Schedule (I.) hereto annexed, signed by such Passage Broker, and countersigned by such Emigration Officer as aforesaid: Provided further, that the Acts and Defaults of any Person acting under the Authority or as Agent of any Passage Broker shall, for the Purposes of this Act, be deemed to be also the Acts and Defaults of such Passage Broker: Provided

Emigration Commissioners and Agents of Passage Brokers exempted from this Section.

Passage Brokers to be responsible for their Agents.

Provided also, that nothing herein-before contained shall be held or construed to prevent the said Emigration Officer from accepting the Bond of a Guarantee Society, such Bond and such Guarantee Society as shall have been approved by the Lords Commissioners of Her Majesty's Treasury, in lieu of the Bond of Two good and sufficient Securities as aforesaid.

How Passage Brokers Licences may be obtained.

Justices to give Notice to Emigration Commissioners of Licence granted.

Notice to be given to Emigration Commissioners of intended Application for Licences.

Power to Justices to order Licences to be forfeited, who shall give Notice of the same to Emigration Commissioners.

As to Application for Licences in Scotland.

LXVII. Any Person wishing to obtain a Licence to act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of *Europe*, and not being in the *Mediterranean Sea*, shall make Application for the same to the Justices at the Petty Sessions held for the District or Place in which such Person shall have his Place of Business; and such Justices are hereby authorized (if they shall think fit) to grant a Licence for that Purpose, according to the Form in the Schedule (E.) hereunto annexed, which Licence shall continue in force until the Thirty-first Day of *December* in the Year in which such Licence shall be granted, and for Thirty-one Days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such Licence the Justices shall cause a Notice thereof according to the Form in Schedule (F.) hereto annexed to be transmitted forthwith by the Post to the said Emigration Commissioners at their Office in *London*; Provided always, that no such Licence shall be granted unless the Party applying for the same shall show to the Satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited One Part thereof at the Office in *London* of the said Commissioners, or is a Sworn Broker of the City of *London*, and has in either Case given Notice to the said Commissioners Fourteen clear Days at least before such Application of his Intention to apply for the same, which Notice shall be transmitted by the Post to the Office in *London* of the said Commissioners, and shall be according to the Form contained in the Schedule (G.) hereto annexed: Provided also, that any Justices of the Peace who shall adjudicate on any Offence against this Act, or on any Breach or Nonperformance of any of the Requirements thereof, are hereby authorized, if they shall think fit, and the Offender is a Passage Broker, to order his Licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said Justices making such Order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (H.) hereunto annexed, to be transmitted by the Post to the said Commissioners at their Office in *London*: In *Scotland*, where any Person wishing to obtain such Licence shall make Application for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute, in place of to such Justices of the

Passage Brokers.

the Peace as aforesaid, the Forms given in the said Schedules (D.), (E.), (F.), (G.), and (H.) respectively, shall still be adhered to, with such Alterations as may be necessary.

Existing Licences to continue in force until 1st Feb. 1856.

LXVIII. Every Passenger Broker's Licence in force at the Commencement of this Act, shall, unless adjudged to be forfeited, continue in force until the First Day of *February* One thousand eight hundred and fifty-six, but no longer; and all Acts done under such Licence while in force shall be as valid as if done under any Licence granted under this Act.

Passage Brokers to employ no Agents except those expressly appointed by them.

Agents to produce their Appointments on Demand.

LXIX. No Passage Broker shall employ as an Agent in his Business of Passage Broker any Person not holding from him the Appointment of Agent as herein-before mentioned; and every Person holding such Appointment shall produce the same, on the Demand of any Emigration Officer, or of any Person treating for a Passage under this Act: For any Breach or Violation of this Enactment in any Particular, the Offender shall be liable for each Offence to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds.

Penalty on Persons fraudulently inducing others to engage Passages.

LXX. If any Person shall by false Representation as to the Size of a Ship, or otherwise, or by any false Pretence or Fraud whatsoever, induce any Person to engage a Passage in any Ship, the Person so offending shall for each Offence be liable to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Contract Tickets for Cabin and other Passengers.

LXXI. Every Person whatever, except the said Emigration Commissioners and Persons acting for them and under their direct Authority, who shall receive Money from any Person for or in respect of a Passage in any Ship or of a Cabin Passage in any "Passenger Ship" proceeding from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, shall give to the Person paying such Money a Contract Ticket, signed by the Owner, Charterer, Master of the Ship or "Passenger Ship" (as the Case may be) in which the Passage is to be provided, or by some Person in their or his Name, and on their or his behalf: Such Contract Ticket shall be made out in plain and legible Characters on a printed Form, which in the Case of Cabin Passengers shall be according to the Form contained in Schedule (K.) hereto annexed, and in the Case of all other Passengers in the Form contained in Schedule (L.) hereto annexed, or according to such other Form as in either Case may from Time to Time be prescribed by the said Emigration Commissioners in any Notice issued under their Hands, or the Hands of any Two of them, and published in the *London Gazette:* And any Directions contained on the Face of such Form of Contract Ticket shall be obeyed in the same Manner as if herein set forth. In case of Noncompliance with any of the Requirements of this Section, or of any of the Directions on such Form of Contract Ticket not inconsistent with this Act, the Person so offending shall for each Offence be liable to a Penalty not exceeding Fifty Pounds, nor less than Five Pounds Sterling: Provided always, that such Contract Tickets shall not be liable to any Stamp Duty.

Passage Brokers.

Penalty for inducing any one to part with Contract Ticket.

LXXII. Any Person who shall alter or cause to be altered, after it is once issued, or shall induce any Person to part with, render useless, or destroy any such Contract Ticket, during the Continuance of the Contract which it is intended to evidence (except in the Case of Cabin Passengers who may have consented thereto,) shall be liable in each Case to a Penalty not exceeding Twenty Pounds Sterling.

Summary Remedy for Breach of Contract.

LXXIII. Any Question which may arise respecting the Breach or Nonperformance of any of the Stipulations in any such Contract Ticket, may, at the Option of any Passenger or Cabin Passenger interested therein, be heard and determined in a summary Way by the Justices of the Peace, Magistrates, Sheriffs, or other Officers herein-after authorized to adjudicate on Offences and Complaints under the Act, who are hereby authorized to try such Questions, and if they shall find that a Breach of Contract has been committed, to award to the Complainant such Damages and Costs as they may think fit, not exceeding in any Case the Amount of the Passage Money specified in such Contract Ticket and Twenty Pounds; and if such Damages and Costs be not at once paid, Payment thereof shall thereupon be enforced, in the same Manner and by the same Processes as the Payment of Subsistence Money, or the Return of Passage Money, may be enforced under this Act; Provided that if any Passenger shall have obtained Compensation or Redress, under any of the other Provisions of this Act, he shall not be entitled to sue under this Section for Damages for the same Matter or Cause of Complaint.

Penalty on Cabin Passengers and on Masters, &c. omitting to produce Contract Tickets.

LXXIV. If any Cabin or other Passenger shall, on Demand of any Emigration Officer, refuse or omit to produce his Contract Ticket, or if any Owner, Charterer, or Master of a Ship, shall on like Demand refuse or omit to produce to any Emigration Officer in the United Kingdom the Counterpart of any Contract Ticket issued by them, or on their Behalf, for the Inspection of such Emigration Officer, and for the Purposes of this Act, every Person so offending against the Requirements of this Section shall for each Offence be liable summarily to a Penalty not exceeding Ten Pounds.

Penalty on Persons acting as Runners

LXXV. Any Person who shall act as an "Emigrant Runner" without having previously been licensed and registered as herein-after

Passage Brokers.

without Licence and Badge, and on Passage Brokers employing them.

herein-after mentioned, or who while so acting shall omit to wear conspicuously on his Breast such Badge as herein-after mentioned, or who shall employ as an "Emigrant Runner" any Person not duly licensed and registered, shall for each Offence be liable to a Penalty not exceeding Five Pounds nor less than Twenty Shillings.

Mode of Licensing and Registering Runners.

LXXVI. The Justices of the Peace at any Petty Sessions held for the District or Place within which any Person wishing to act as an "Emigrant Runner" is to carry on his Business may upon the Recommendation in Writing of an Emigration Officer or of the Chief Constable or other Head Officer of Police of such District or Place (but not otherwise) grant, if they shall think fit, to such Person wishing to act as Runner a Licence for that Purpose according to the Form in Schedule (M.) hereto annexed, and such Runner shall within Forty-eight Hours thereafter (under a Penalty not exceeding Forty Shillings for any Default) lodge such Licence with the nearest Emigration Officer, who shall register the Name and Abode of such Runner in a Book to be kept for that Purpose, and shall number each Name registered in Arithmetical Progression, and shall supply to such Runner, on his paying a Sum not exceeding Seven Shillings for the same, a Badge of such Form and Description as shall be approved by the said Emigration Commissioners.

Emigrant Runner's Licence to be renewed annually.

LXXVII. Every such "Emigrant Runner's" Licence shall continue in force until the Thirty-first Day of *December* in the Year in which it shall be granted, unless sooner revoked by any Justice of the Peace, for any Offence against this Act or for any other Misconduct committed by the Holder of such Licence. In case of any renewed Licence it shall be sufficient for the Emigration Officer to note the Fact, and the Date of the Renewal, in his Registry Book against the original Entry therein of the Name of the Runner holding such renewed Licence.

Penalty on Runner for certain Acts of Misconduct.

LXXVIII. If any "Emigrant Runner" shall refuse or fail to produce, on Demand, his Badge for Inspection, or to permit any Person to take the Number thereof, or if he shall fail within Forty-eight Hours to give to the Emigration Officer of the Port or Place within which he is licensed to act Notice in Writing of any Change in his Place of Abode, in order that his new Abode may be registered, or of the Loss of his Badge, or if he shall mutilate or deface his Badge or wear the same while unlicensed, or wear any other than the one delivered to him by such Emigration Officer as aforesaid, or permit any other Person to use his Badge, he shall for each such Offence be liable to a Penalty not exceeding Forty Shillings and to the Forfeiture of his Licence, if the convict-ing Justices or Magistrate shall so determine; and any Person retaining or using any "Emigrant Runner's" Badge not issued to him under the Provisions of this Act, or counterfeiting or forging any such Badge, shall for each such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons using Badges not lawfully issued to them.

LXXIX. Such Emigration Officer as last aforesaid may, if he thinks fit, on Payment to him of the Sum of Five Shillings, deliver a new Badge to any Licensed "Emigrant Runner" who shall satisfy such Officer that he has lost his original Badge, or who shall deliver up the same in a mutilated or defaced State.

How fresh Badges may be obtained in case the old ones are lost or mutilated.

LXXX. No "Emigrant Runner" shall be entitled to recover from any Passage Broker any Fee, Commission, or Reward for or in consideration of any Service connected with Emigration, unless he shall be acting under the written Authority of such Passage Broker, nor, under a Penalty for each Offence not exceeding Five Pounds, shall take or demand from any Person about to emigrate any Fee or Reward for the procuring of his Passage, or in any way relating thereto.

Runners not entitled to Commission from any Passage Broker unless acting with his Authority, nor from Emigrants for procuring their Passage.

LXXXI. Every Passage Broker shall exhibit and keep constantly exhibited in some conspicuous Place in his Office or Place of Business a correct List, in plain and legible Characters, containing the Names and Addresses in full of every Person for the Time being holding such Authority to act as his Agent or as an Emigrant Runner for him as aforesaid, and shall on or before the Fifth Day, or if that Day be a *Sunday*, on or before the Fourth Day in every Month, transmit a true Copy of such List, duly signed by him, to the Emigration Officer stationed nearest to the Place of Business of such licensed Passage Broker, and shall report to such Emigration Officer every Discharge or fresh Engagement of an Agent or of an "Emigrant Runner" within Twenty-four Hours of the same taking place. In case of Noncompliance with any of the Requirements of this Section, the Person so offending shall be liable for each Offence to Penalty not exceeding Five Pounds nor less than Two Pounds.

List of Runners to be exhibited by Brokers and sent to Emigration Officers.

LXXXII. It shall be lawful for the Trustees or other Persons charged with the Management of any Docks or Basins in any Port within the United Kingdom from which "Passenger Ships" are despatched to make, and from Time to Time to alter, amend, or repeal, such Rules and Byelaws as may be necessary for prescribing the Docks, Basins, or other Places at which Persons arriving by Sea at such Ports for the Purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the Mode of their Landing and Embarkation,

Trustees of Docks may pass Byelaws for Regulating the Landing and Embarkation of intending Emigrants, and for licens-

Passage Brokers.

ing Emigrant Porters.

Embarkation, and for licensing Porters to carry their Luggage and otherwise to attend upon them, and for the Storing and safe Custody of their Luggage, and for admitting Persons to and excluding Persons from Access to such Docks or Basins, and for attaching a Penalty not exceeding Five Pounds for the Breach of any of such Rules or Byelaws, such Penalty to be sued for and recovered as other Penalties are by this Act directed to be recovered, except that instead of an Emigration Officer such Trustees or other Persons as aforesaid shall sue for and recover the same: And it shall further be lawful for such Trustees, by their Officers or Servants, or by any Police Officer, to arrest and detain any Person charged with the Breach of any such Rule or Byelaw until brought before any Justice of the Peace, who is hereby authorized to adjudicate on the Offence in a summary Way: Provided that no such Rules or Byelaws shall take effect until they shall have been approved by One of Her Majesty's Principal Secretaries of State, and published by his Authority in the *London Gazette*, which Publication shall for all Purposes be deemed conclusive Evidence of such Rules and Byelaws, and of the Approval thereof by such Secretary of State.

Byelaws to be approved by Secretary of State, and published in the London Gazette.

Penalty for falsifying Documents to obtain Passages from Emigration Commissioners, and for Personation.

LXXXIII. And whereas the said Emigration Commissioners and Persons acting under their Authority issue from Time to Time certain Forms of Application and other Papers for the Use of Persons desirous of emigrating by their Assistance: And whereas it is expedient to afford additional Security against the Falsification or Misuse of such Forms and Papers, and of any Certificate of Marriage or of Birth or Baptism, or other Document or Statement adduced in support of any Application to the said Commissioners for such Assistance: Be it therefore enacted, That if any Person shall falsely represent himself to be or falsely assume to act as the Agent of the said Commissioners, or shall sell any such Form of Application, Paper, or Embarkation Order, or shall wilfully make any False Representation in any such Form of Application, Paper, Certificate, or Document as aforesaid, or shall forge or fraudulently alter any Signature or Statement contained therein respectively, or shall personate any Person named therein respectively, or shall aid or in any way abet any Person in any such false Representation, Forgery, Alteration, or Personation, the Person so offending shall be liable for each such Offence to a Penalty not exceeding Fifty Pounds nor less than Two Pounds Sterling.

LXXXIV. All Penalties and Forfeitures imposed by this Act shall be sued for in the United Kingdom by any Emigration Officer or his Assistant, or by any Person authorized thereto by the said Emigration Commissioners under the Hands of any Two of them, or by any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized thereto in Writing by the Commissioners of Her Majesty's Customs, and in any of Her Majesty's Possessions abroad by any Government Emigration Officer or Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorized as aforesaid, or by any Officer authorized to sue for Penalties and Forfeitures under this Act by Writing under the Hand and Seal of the Governor of any such Possession; and the said Emigration Commissioners, and the Commissioners of Her Majesty's Customs, and every such Governor, are hereby respectively empowered to grant such Authority as aforesaid: And all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, Damages, or Compensation may be sued for and recovered by and for the Use of any Passenger entitled thereto under this Act, or by any such Officer as aforesaid, for and on behalf and to the Use of any such Passenger or any Number of such Passengers respectively, and in any Case either by One or several Informations or Complaints.

Procedure for Penalties, &c.

By whom Penalties are to be recovered.

By whom Passage, Subsistence, and Compensation Monies may be recovered.

LXXXV. All Penalties imposed and all Sums of Money made recoverable under this Act, by way of Passage Money, Subsistence Money, Compensation, or Damages for the Breach of any Stipulation in any Contract Ticket, shall and may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions or Possessions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be, or acting in any County or Borough, or Place adjacent to any navigable River or Inlet of the Sea on which such Offence shall have been committed or Cause of Complaint have arisen; and upon Information or Complaint made before any One Justice of the Peace acting as aforesaid, he shall issue a Summons, according to the Form in the Schedule (N.) hereto annexed, requiring the Party offending or complained against to appear at a Time and Place to be named therein; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last known Place of Abode or of Business, or on board any Ship to which he may belong; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering the Summons or a Copy thereof to the Party, or at his last known Place of Abode or of Business, or on board any Ship to which he may belong,

Tribunal for adjudicating on Offences and Complaints under this Act.

Procedure for Penalties, &c.

belong, to the Person in charge of any such Ship,) any Two of such Justices so acting as aforesaid may either hear and determine the Case in the Absence of the Party, or either of them may issue his Warrant for apprehending and bringing such Party before them or any Two Justices so acting as aforesaid; or the Justice before whom the Charge shall be made, if he shall have Reason to suspect, from Information upon Oath, that the Party is likely to abscond, may issue such Warrant in the first instance, without any previous Summons; and either upon the Appearance of the Party offending or complained against, or in his Absence as aforesaid, any Two of such Justices so acting as aforesaid may hear and determine the Case, either with or without any written Information or Complaint; and upon Proof of the Offence, or of the Complainant's Claim, (as the Case may be,) either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (and the Justices are hereby authorized to summon and swear any Witnesses who may be deemed necessary), it shall be lawful for such Justices so acting as aforesaid to convict the Offender, or to adjudicate upon the Complaint, (such Conviction or Adjudication to be drawn up according to One of the Forms of Conviction or Adjudication contained in Schedule (O.) hereto annexed, or as near thereto as the Circumstances of the Case will admit,) and upon every such Conviction to order the Offender to pay such Penalty as they may think proper, not exceeding the Penalties herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money or Damages sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every Case, the Costs of the Proceedings; and if the Monies and Costs mentioned in such Conviction or Adjudication be not paid immediately or within the Time limited in the Order it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, (and although the written Order of Conviction or Adjudication, or any Minute thereof, may not have been served,) to cause the Party offending to be committed to Gaol, there to be imprisoned, with or without Hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Monies and Costs be sooner paid and satisfied: Provided always, that in all Proceedings taken under this Act for which no Form is herein expressly provided it shall be lawful to use Forms similar, as nearly as Circumstances

Proviso where no Forms of proceeding

stances will admit, to those contained in the Schedule to an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

Procedure for Penalties, &c. — are prescribed by this Act.

Police and Stipendiary Magistrate, and in Scotland Sheriff, &c., to have the same Powers as Justices of the Peace.

LXXXVI. Fvery Police or Stipendiary Magistrate, and in *Scotland* every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry within his own County or Stewartry, shall have such and the like Powers, Privileges, and Functions, and be entitled to exercise such and the like Jurisdiction under this Act, as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provisions of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices of the Peace, or Justices at Petty Sessions, or otherwise, may be done by and before any Police or Stipendiary Magistrate, and in *Scotland* by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry.

No Objection to be allowed, nor Convictions to be quashed for Want of Form.

LXXXVII. No Objection shall be taken or allowed to any Complaint, Information, Summons, or Warrant under this Act, for any alleged Defect therein, either in Substance or in Form, or for any Variance between such Complaint or Information and the Evidence adduced on the Hearing thereof; but if any Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit the Defendant to such safe Custody as the said Justice or Justices may think fit, or to discharge him upon his Recognizance, with or without Sureties, to appear at such Time and Place as may be appointed: No Conviction, Order, Adjudication, or other Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form.

Application of Penalties.

LXXXVIII. All Penalties imposed by this Act shall, when recovered, and notwithstanding any Local Act of Parliament to the contrary, be paid to the Emigration Officer or Officer of Customs at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors, and if recovered in the Colonies shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United

Procedure for Penalties, &c.

United Kingdom shall be paid over to the said Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from Time to Time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty at the same Time to direct, if they shall think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed.

Justices may award Compensation out of Penalties to Party aggrieved.

Burden of Proof to be on Persons claiming Exemption from Act.

LXXXIX. If in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act; and it shall not be necessary, in any Information, Complaint, or other Process or Proceeding, to negative any Exemption, Proviso, or Condition contained in any Section of this Act on which such Information, Complaint, or other Process or Proceeding shall be framed, neither shall it be necessary for the Complainant to prove the Negative, but the Defendant may prove the Affirmative thereof, if he will have advantage of the same.

Proof of Negatives.

Proof of a Party being an Emigration Officer.

XC. If in any Proceeding before any Justice or Justices of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person, for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *vivâ voce* Evidence may be given of such Fact by the Officer himself, and shall be deemed legal and sufficient Evidence.

Passengers suing not incompetent Witnesses.

XCI. Any Passenger suing under this Act for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, or Damages, shall not be deemed an incompetent Witness in any Proceeding for the

Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit.

Procedure for Penalties, &c.

Tender of Amends.

XCII. No Plaintiff shall recover in any Action against any Emigration Officer, his Assistant, Government Emigration Agent, or Officer of Customs, or other Person, for anything done in pursuance of this Act, if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, by or on behalf of the Defendant.

Limitation of Actions against Officers executing the Act.

XCIII. No Action or Suit shall be commenced against any Emigration Officer, his Assistant, Government Emigration Agent, Officer of Customs, or other Person, for anything done in pursuance of or under the Authority of this Act, until Ten clear Days Notice in Writing, specifying distinctly the Cause of Action, has been given to the Officer, Agent, or Person as aforesaid against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the Act committed and mentioned in such Notice for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Ten clear Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

Defendant may plead the General Issue, &c.

Costs.

Limitation of legal Proceedings generally.

XCIV. Where no Time is expressly limited within which any Complaint or Information is to be made or laid for any Breach or Nonperformance of any of the Requirements of this Act, the Complaint shall be made or the Information laid within Twelve Calendar Months from the Time when the Matter of such Complaint or Information respectively arose, or

Procedure for Penalties, &c.

or in case the Master of any Ship is the Offender or Party complained against, within Twelve Calendar Months next after his Return to the Country in which the Matter of Complaint or Information arose.

Colonial Voyages.

Colonial Voyages defined.

XCV. And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea from Her Majesty's Possessions abroad: Be it therefore enacted as follows: For the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Place within any of such Possessions (except the Territories under the Government of the *East India* Company and the Island of *Hong Kong*) to any Place whatever, where the Distance between such Places shall exceed Four hundred Miles, or the Duration of the Voyage, to be prescribed as herein-after mentioned, shall exceed Three Days.

This Act to apply to all Colonial Voyages, except as relates to Matters herein named.

XCVI. This Act shall apply, so far as the same is applicable, to all Ships carrying Passengers on any such "Colonial Voyage," except as to such Parts of the Act as relate to the following Matters; (that is to say,)

1. To Passage Brokers and their Licences:
2. To Passengers Contract Tickets:
3. To Emigrant Runners:
4. To the giving Bond to Her Majesty:
5. To the keeping on board a Copy of this Act:
6. To Orders in Council regulating Emigration from the United Kingdom, or prescribing Rules for promoting Health, Cleanliness, Order, and Ventilation;

If any Colonial Voyage be less than Three Weeks, this Act not to apply to Subjects herein named.

Provided that if the prescribed Duration of any "Colonial Voyage" be less than Three Weeks, then, in addition to the Matters lastly herein-before excepted, the Provisions of this Act shall not extend or apply, so far as they relate to the following Subjects; (namely,)

The Construction or Thickness of the Decks:
The Berths and Berthing:
The Height between Decks:
Privies:
Hospitals:
Light and Ventilation:
Manning:
Passengers Stewards:
Passengers Cooks and Cooking Apparatus:
The Surgeon, and Medicine Chest:
The Maintenance of Passengers for Forty-eight Hours after Arrival:

Provided also, that in the Case of such "Colonial Voyages" whereof the prescribed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

Colonial Voyages.

XCVII. It shall be lawful for the Governor of each of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the Purposes of this Act to be the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever, and to prescribe such Scale of Diet for the Use of the Passengers during the Voyage as he shall think proper, and also to declare what Medicines, Medical Comforts, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage;" and the Provisions and Requirements of every such Proclamation shall be enforced in all Her Majesty's Dominions as if they were incorporated in this Act, and in like Manner as the Provisions of this Act may be enforced; and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, shall in any Part of Her Majesty's Dominions wherein the same shall be produced be received as good and sufficient Evidence of the due issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

Governor of Colonies may, by Proclamation, declare Length of Voyage, and prescribe Scale of Diet, Medicines, and Medical Comforts.

Copies of Proclamations to be received as Evidence.

XCVIII. It shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize in such Cases, as to such Governors may seem proper, any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage."

Provision for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

XCIX. This Act shall not apply to any of the Territories or Places under the Government of the *East India* Company: It shall, however, be lawful for the Governor General of *India* in Council, from Time to Time, by any Act or Acts to be passed for that Purpose, to declare that this Act or any Part thereof shall apply to the Carriage of Passengers upon any Voyage from any Ports or Places within such Territories, to be specified in such Act or Acts, to any other Places whatsoever, to be also specified in such Act or Acts; and also in like

Power to the Governor General of India in Council, by any Act to be passed for that Purpose, to adopt this Act for India, and

Colonial Voyages.

to make Rules respecting Food, Passengers, Surgeons, &c.

like Manner to authorize the Substitution, as respects such Voyages, of other Articles of Food and Provisions for those herein-before enumerated; and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated; and to determine the Persons or Officers who in such Territories shall be entitled to exercise or perform the Powers, Functions, or Duties herein-before given to or imposed upon the Emigration Officers and Officers of Customs in the United Kingdom; and to authorize the Employment on board any Ship of a Medical Practitioner duly qualified by Law to practise as a Physician, Surgeon, or Apothecary within such Territories; and to declare for the Purposes of this Act the Space necessary for Passengers, and the Age at which Two Children shall be considered equal to One Statute Adult, in Ships that may clear out from any Port or Place within such Territories; and also to declare in what Manner, and before what Authorities, and by what Form of Proceedings, the Penalties imposed and the Sums of Money made recoverable by this Act shall be sued for and recovered within such Territories, and to what Uses such Penalties shall be applied: And on the passing of such *Indian* Act or Acts, and whilst the same shall remain in force, all such Parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said *Indian* Act or Acts shall be specified. The Provisions of such *Indian* Act shall be enforced in all Her Majesty's Possessions in like Manner as the Provisions of this Act may be enforced: Every such *Indian* Act shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England*, to be laid before both Houses of Parliament, as in the Case of any other Law made by the Governor General in Council.

and to declare in what Manner Penalties, &c., may be sued for and recovered.

Indian Act may be enforced in the Colonies in like Manner as this Act.

Voyages to the United Kingdom.

List of Passengers brought into the United Kingdom to be delivered by the Master of the Ship to the Emigration Officer.

Penalty for Neglect.

C. The Master of every Ship bringing Passengers into the United Kingdom from any Place out of *Europe*, and not within the *Mediterranean Sea*, shall, within Twenty-four Hours after Arrival, deliver to the Emigration Officer or his Assistant, or in their Absence to the Chief Officer of Customs at the Port of Arrival, a correct List, signed by such Master, and specifying the Names, Ages, and Callings of all the Passengers embarked, and also the Port or Ports at which they respectively may have embarked, and showing which, if any of them, may have died, with the supposed Cause of Death, or been born on the Voyage; and if any Master shall fail so to deliver such List, or if the same shall be wilfully false, he shall, on Conviction, as herein-before mentioned, be liable to a Penalty not exceeding Fifty Pounds. Such Emigration or Customs

Voyages to the United Kingdom.

Customs Officer shall, upon receipt of such List, transmit the Particulars respecting any Passenger named therein who may have died, with the supposed Cause of Death, or been born on the Voyage, to the Registrar General of Births, Deaths, and Marriages, who shall file the same and enter a Copy thereof under his Hand in the "Marine Register Book," which Entry shall be dealt with and be of the same Value as Evidence as any other Entry made in such Book under the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for registering Births, Deaths, and Marriages in* England.

Returns of Births and Deaths at Sea to be made to the Registrar General.

6 & 7 W. 4. c. 86.

CI. If any Ship bringing Passengers into the United Kingdom from any Place out of *Europe* shall have on board a greater Number of Passengers or Persons than in the Proportions respectively prescribed in the Fourteenth Section of this Act for Ships carrying Passengers from the United Kingdom, the Master of such Ship shall be liable, on such Conviction as herein-before mentioned, to a Penalty not exceeding Ten Pounds nor less than Five Pounds for each such Person or Statute Adult constituting any such Excess.

Penalty on Masters for having on board a greater Number of Persons than prescribed by Section 14 of this Act.

CII. The Master of every Passenger Ship bringing Passengers into the United Kingdom from any Place out of *Europe*, shall make to each Statute Adult during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination thereof, Issues of pure Water and of good and wholesome Provisions in a sweet Condition, in Quantities not less in Amount than is prescribed in the Thirty-fifth Section of this Act for Passengers proceeding from the United Kingdom; and in case of Noncompliance with any of the Requirements of this Section the Master of such Ship shall, on such Conviction as herein-before mentioned, be liable for each Offence to a Penalty not exceeding Fifty Pounds.

Provisions and Water to be issued to Passengers brought into the United Kingdom the same as in Ships carrying Passengers from the United Kingdom.

Penalty for Default.

CIII. The Schedules to this Act shall be deemed to be Part of this Act, and all the Directions therein contained shall be duly followed and enforced, under a Penalty not exceeding Ten Pounds on the Person failing to obey the same respectively.

Schedules to be Part of the Act.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM of CERTIFICATE exempting a MAIL STEAMER from the Provisions of the British Passengers Act, 1855.

N.B.—This Certificate must be produced, on Demand, to the Emigration Officer or his Assistant, or if there be no such Officer to the Chief Officer of Customs at the Port of Clearance or Port of Departure, by the Master of any Steam Vessel claiming Exemption from the Passengers Act, otherwise the Exemption will not be allowed.

(a) Omit this Word if inapplicable in the Case of a Foreign Vessel.

(b) Insert here the Name of the State.

This is to certify that the Steam Vessel of Tons, *registered* (a) Tonnage, belonging to the Port of , is duly authorized to carry Mails under a Contract with the Government of (b) between (b) and (b) , and is therefore exempt from the Operations of the "Passengers Act, 1855," from the Date hereof to the Day of 18 .

Given under my Hand at , this Day of 18 .

(Signature) ________ { Postmaster-General of the United Kingdom *or his Deputy* (*or* Governor *or* Postmaster-General, &c. of [*name the Colony or Foreign State*], *as the Case may be*).

BRITISH CONSUL'S CERTIFICATE in the Case of a Foreign Steam Vessel.

The above Signature is to the best of my Belief the Signature of the [*here insert the Title of the Officer signing the preceding Certificate*], the

Officer duly authorized by the Government of
to grant the same.

(Signature)____________________ Her Britannic Majesty's Consul-General, Consul, *or* Vice-Consul of (*as the Case may be*).

SCHEDULE (B.)

FORM OF PASSENGERS LIST.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship are sufficient, according to the Requirements of the Passengers Act, for Statute Adults for a Voyage of Days.

(Signature) ____________________ Master.

Date ________________ 185 .

NAMES AND DESCRIPTIONS OF PASSENGERS.

Ports of Embarkation.	Names of Passengers.	Age of each Adult of 12 Years and upwards.				Children between 1 and 12 Years.		Infants.		Profession, Occupation, or Calling of Passenger.	State whether English, Scotch, or Irish.	Port at which Passengers have contracted to land.
		Married.		Single.								
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			

SUMMARY.

Summary.

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults . . .					
Children between 1 and 12 .					
Infants . . .					
Total . .					

We hereby certify, That the above is a correct List of the Names and Descriptions of all the Passengers who embarked at the Port of ____________

(Signed) ____________ Master.
____________ Emigration Officer.
(Countersigned) ____________ Officer of Customs at ____________
Date ____________ 185 .

N.B.—*Lines should be ruled in the same form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.*

SCHEDULE (C.)

Form of Bond to be given by the Master and by the Owner or Charterer of a "Passenger Ship."

* Insert here the Christian and Surnames in full, with Occupations and Addresses of each of the Two Obligors.

Know all Men by these Presents, that we,*
are held and firmly bound unto our Sovereign
by the Grace of God, of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of Two thousand Pounds of good and lawful Money of Great Britain to be paid to our said
the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this
Day of One thousand eight hundred and fifty

Whereas by the "Passengers Act, 1855," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed to Sea, the Master together with the Owner or Charterer of the Ship, or in the absence of such Owner or Charterer, or if the Master be the Owner or Charterer, One other good and sufficient Person, to be approved by the Chief Officer of Customs at the Port of Clearance,

ance, shall enter into a Bond to Majesty, Heirs and Successors, in the Sum of Two thousand Pounds:

Now the Condition of this Obligation is such, that if the Ship whereof the above bounden is Master, bound to is in all respects seaworthy, *[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Statute Adult for the Period of Days on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if (notwithstanding any Penalty by the said Act imposed, and whether the same may have been sued for and recovered or not,) all and every the Requirements of the said Passengers Act, 1855, (except such of them as relate exclusively to Passage Brokers and Runners) and of the Emigration Commissioners acting in the Manner prescribed by the said Act, and of any Order passed by Her Majesty in Council relating to "Passenger Ships" and now in force, shall in all respects be well and truly performed † [and if the Master for the Time being of the said Ship shall submit himself, in like Manner as a British Subject being the Master of a British Passenger Ship, to the Jurisdiction of the Tribunals in Majesty's Possessions abroad, empowered by the said Act to adjudicate on Offences committed against the said Act,] and if moreover all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, and if all Expenses incurred by the Secretary of State or any Governor or British Consular Officer under the Provisions of this Act shall also be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water as provided by s. 34. of the Act.

† This Clause to be inserted only in the Case of a Foreign Passenger Ship proceeding to any of the British Colonies.

Signed, sealed, and delivered by the above bounden
and in the Presence of ‡

‡ Insert Names and Addresses in full of the Witnesses.

---

§ [I hereby certify, that the above Bond was duly signed, sealed, and delivered according to the Law of Great Britain by the said Master of the said Ship and by the said (*other Obligor*).]

§ Certificate to be signed by the Chief Officer of Customs and forwarded with the Bond to the Colony, according to s. 64. of the Act.

(Signature) ——————— { Chief Officer of Customs for the Port of

(Date)_______________ 185 .

SCHEDULE (D.)

Form of Passage Broker's Annual Bond, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

* Insert Christian and Surnames in full, with Occupations and Address of each of the Parties.

Know all Men by these Presents, That we, *A. B.** of *C. D.* of, *&c.* and *E. F.* of, *&c.* are held and firmly bound unto our Sovereign by the Grace of God, of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of One thousand eight hundred and fifty .

Whereas by the "Passengers Act, 1855," it is amongst other things enacted, that no Person whatever, save as therein excepted, shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person with Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest the Place of Business of such Person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of One thousand Pounds: And whereas the said *C. D.* and *E. F.* have been duly approved by the proper Emigration Officer as Sureties for the said *A. B.*:

Now the Condition of this Obligation is such, that if the above-bounden *A. B.*, and every Agent whom he may employ in his Business of a Passage Broker, shall well and truly observe and comply with all the Requirements of the said recited Act, so far as the same relate to Passage Brokers, and further shall well and truly pay all Fines, Forfeitures, and Penalties, and also all Sums of Money, by way of Subsistence Money, or of Return of Passage Money and Compensation, to any Passenger, or on his Account, together with all Costs which the above-bounden *A. B.*, or any of his Agents as aforesaid, may at any Time be adjudged to pay under or by virtue of any of the Provisions of the said recited Act, then and in such Case this Obligation to be void, otherwise to remain in full Force.

Signed, sealed, and delivered by the above-bounden *A. B.*, *C. D.*, and *E. F.*, in the Presence of*

* Insert the Names and Addresses in full of the Witnesses.

N.B.—This Bond is to be executed in Duplicate, in the Presence of and to be attested by an Emigration Officer or his Assistant, or an Officer of Customs, or a Magistrate, or a Notary Public. One Part is to be deposited with the Emigration Commissioners in London, and the other Part with the Emigration Officer at the Port nearest to the Place of Business of the Broker. Each Member of a Firm or Partnership who acts as a Passage Broker must give a separate Bond with Two Sureties.

[The Bond is exempt from Stamp Duty, but must be renewed annually with Licence.]

SCHEDULE (E.)

FORM of PASSAGE BROKER'S LICENCE.*

A. B. † of   in the   having shown to the Satisfaction of me (*or* us) the undersigned, that he hath given Bond to   Majesty, as by the "Passengers Act, 1855," required, and also given Fourteen Days previous Notice to the Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker, in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, I (*or* we), the undersigned, having had no sufficient cause shown to me (*or* us), and seeing no valid Reason why the said *A. B.* should not receive such Licence, do hereby license and authorize the said *A. B.* to carry on the Business of a Passage Broker as aforesaid until the End of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by Forfeiture for Misconduct

† The Christian and Surnames in full, with the Address and Trade or Occupation of the Party applying for the Licence, must be correctly inserted. If a Member of a Firm, the Christian and Surnames of all the Members must be given.

---

* N.B.—Each Member of a Firm or Partnership who acts as a Passage Broker must have a separate Licence.

duct on the Part of the said *A. B.* as in the "Passengers Act, 1855," is provided.

Given under my Hand and Seal (*or* our respective Hands and Seals), this Day of 185 at

Signature __________ (L. S.) Justices of the Peace, Police *or* Stipendiary Magistrate, *or* Sheriff, *or* Steward, *or* Sheriff *or* Steward Substitute, *as the Case may be.*

SCHEDULE (F.)

FORM of NOTICE to be given to the Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we (*or* I), the undersigned, did on the Day of 185 license *A. B.* of* to carry on the Business of a Passage Broker under the Provisions of the "Passengers Act, 1855."

* Insert the Christian and Surnames in full, with the Address and Occupation of the Party.

Signatures__________ Justices of the Peace, *or as the Case may be.*

Place__________

Date__________

To the Emigration Commissioners, London.

SCHEDULE (G.)

FORM of NOTICE to be given to the Emigration Commissioners by any Applicant for a Passage Broker's Licence.

Gentlemen,

I, *A. B.** of in do hereby give you Notice, that it is my Intention to apply, after the Expiration of Fourteen clear Days from the putting of this Notice into the Post, to the Justices to be assembled in Petty Sessions to be held † (*or* to the Police *or* Stipendiary Magistrate for the City *or* Borough *or* District of *or* if in Scotland

* The Christian Names and Surname in full, with the Address and Trade or Occupation of the Party applying for a Licence, must be here correctly inserted.

† The Place or District in which

Scotland to the Sheriff *or* Steward of *as the Case may be,*) for a Licence to carry on the Business of a Passage Broker under the Provisions of "The Passengers Act, 1855."

the Party giving the Notice has his Place of Business.

Signature ______

Date ______

To the Emigration Commissioners, London.

SCHEDULE (H.)

FORM of NOTICE to be given by the Justices to the Emigration Commissioners of Forfeiture of a Passage Broker's Licence.

Gentlemen,

THIS is to give you Notice, That the Licence granted on the Day of 185 to *A. B.** of in to act as a Passage Broker, was on the Day of now last past duly declared by me (*or* us) the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited.†

Signatures ______

______

Place and Date ______185

To the Emigration Commissioners, London.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party, to be here inserted.

† Here state generally the Reason of Forfeiture.

SCHEDULE (I.)

FORM of APPOINTMENT of Passage Broker's Agent.

I, *A. B.*, of, *&c.* (*or as the Case may be*) One of the Partners and on behalf of the Firm of, *&c.* (*name all the Partners and the Style of the Firm*) carrying on the Business of at , do hereby nominate and appoint you, *C. D.* of, *&c.*, to act as my Agent and on my Behalf in the Sale or Letting of Passages and otherwise in the Business of a Passage Broker, according to the Provisions of "The Passengers Act, 1855."

DIRECTIONS.

Insert in the proper Places the Christian and Surnames in full, with the correct Addresses and Designations of the Constituent and Agent respectively.

Signature in full______

Place and Date ______185

Counter Signature______ { Emigration Officer at the Port of______

SCHE-

SCHEDULE (K.)

COUNTERPART OF CABIN PASSENGER'S CONTRACT TICKET.

This Counterpart is to be produced by the Owner, Charterer, or Master of the Ship to the Emigration Officer at the Port of Embarkation (or, if no such Officer, to the Officer of Customs), or to any one appointed by him to receive it, under a Penalty for Default not exceeding £10.

These Directions form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Cabin Passenger engaging a Passage in a "Passenger Ship" from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, under a Penalty not exceeding £50.

2. Unless the Passengers are to have a free Table, the Victualling Scale for the Voyage must be appended to the Contract Ticket.

3. All the Blanks must be correctly and legibly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.

4. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures only.

5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it, unless with his Consent.

Ship________of_______Tons Register, to sail from_______ for on the_______Day of________ 185___.

Names.	No. of Persons.	
	Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons.		

In consideration of the Sum of £_______ I hereby agree with the Person named in the Margin hereof that such Person shall be provided with______Class Cabin Passage in the above-named Ship, to sail from the Port of_______ for the Port of_______ in_______ with not less than Cubical Feet of Luggage for each Person, and that such Person shall be victualled as_______Class Cabin Passenger during the Voyage, and the Time of Detention at any Place before its Termination; and I further engage to land the Person aforesaid, with____ Luggage, at the last-mentioned Port, free of any Charge beyond the Passage Money aforesaid; and I hereby acknowledge to have received the Sum of £_____in { full / part } Payment of such Passage Money.

Signature in full_______

Place and Date

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £__________

Balance £__________to be paid at

Total £__________

N.B.—This Contract Ticket is exempt from Stamp Duty.

CABIN PASSENGER'S CONTRACT TICKET.

These Directions and the "Notices to Passengers" below, form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Cabin Passenger engaging a Passage in a "Passenger Ship" from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, under a Penalty not exceeding £50.

2. Unless the Passengers are to have a free Table, the Victualling Scale for the Voyage must be appended to the Contract Ticket.

3. All the Blanks must be correctly and legibly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.

4. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures only.

5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it, unless with his Consent.

Ship________of_______Tons Register, to sail from_______for______on the_______ Day of________185___.

Names.	No. of Persons.	
	Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons.		

In consideration of the Sum of £_______ I hereby agree with the Person named in the Margin hereof that such Person shall be provided with Class Cabin Passage in the above-named Ship, to sail from the Port of____ for the Port of_______in_______with not less than______Cubical Feet of Luggage for each Person, and that such Person shall be victualled as_______ Class Cabin Passenger during the Voyage, and the Time of Detention at any Place before its Termination; and I further engage to land the Person aforesaid, with____ Luggage, at the last-mentioned Port, free of any Charge beyond the Passage Money aforesaid; and I hereby acknowledge to have received the Sum of £____ in { full / part } Payment of such Passage Money.

Signature in full_______

Place and Date_______

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £__________

Balance £__________ to be paid at__________

Total £

NOTICE TO CABIN PASSENGERS.

1. If Cabin Passengers, through no Default of their own, fail to obtain a Passage in the Ship, and on the Day named in this Contract Ticket, they may obtain Redress for Breach of Contract by summary Process under the 73rd Section of the "Passengers Act, 1855."

2. Cabin Passengers must produce, on Demand, their Contract Tickets to the Government Emigration Officer under a Penalty not exceeding £10. This Ticket should therefore be preserved and kept in readiness to be produced on board the Ship.

N.B.—This Contract Ticket is exempt from Stamp Duty.

SCHEDULE (L.)

Ship________.

Counterpart of Passenger's Contract Ticket.

THIS Part of the Contract Ticket is to be separated from the other, and to be delivered by the Passenger to the Emigration Officer at the Port of Embarkation, (or, if no such Officer, to the Officer of Customs,) or to any one appointed by him to receive it, under a Penalty not exceeding £10.

CONTRACT TICKET.

I engage that the Persons mentioned below shall be provided with a Steerage Passage to____ and be landed at the Port of ____in____in the Ship ____of____ Tons with not less than Ten Cubic Feet for Luggage for each Statute Adult, and shall be victualled during the whole Voyage according to the Dietary Scale prescribed by Law. The Ship to receive her Passengers at____on the ______Day of______ 185—. Passage Money, including Government Dues, if any, and all Charges of Landing, £ ____.

NAMES.	Ages.

______ Souls, equal to * ________Statute Adults.

To be signed in full by the Party issuing the Ticket. } ______

* Insert number of Souls and of Statute Adults respectively.

PASSENGER'S CONTRACT TICKET.

These Directions and the "Notices to Passengers" below, form Part of, and must appear on, each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Passenger engaging a Passage from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea.
2. The Victualling Scale for the Voyage must be printed in the Body of the Ticket.
3. All the Blanks must be correctly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
4. The Day of the Month on which the Passengers are to embark must be inserted in Words and not in Figures.
5. When once issued, this Ticket must not be withdrawn from the Passenger, nor any Alteration, Addition, or Erasure made in it.

Ship ______ of ________Tons Register, to take in Passengers at________ for ________on the______Day of__________185____.

NAMES.	Ages.	Equal to Statute Adults.

I engage that the Person named in the Margin hereof shall be provided with a Steerage Passage to, and shall be landed at, the Port of__________________in____________ in the Ship________________________with not less than Ten Cubic Feet for Luggage for each Statute Adult, and shall be victualled during the Voyage and the Time of Detention at any Place before its Termination, according to the subjoined Scale, for the Sum of £________________ including Government Dues before Embarkation, and Head Money, if any, at the Place of Landing, and every other Charge, except Freight for Excess of Luggage beyond the Quantity above specified, and I hereby acknowledge to have received the Sum of £______________in { full / part } Payment.

The following Quantities, at least, of Water and Provisions, (to be issued daily,) will be supplied by the Master of the Ship, as required by Law; viz., to each Statute Adult 3 Quarts of Water daily, exclusive of what is necessary for cooking the Articles required by the Passengers Act to be issued in a cooked State; and a Weekly Allowance of Provisions according to the following Scale:

[Here insert the Victualling Scale intended to be used on the Voyage. This must be either the Scale prescribed in the 35th Section of the Passengers Act, 1855, or that Scale modified by the Introduction of Articles authorized by the Act, to be substituted for Oatmeal, Rice, and Potatoes.]

[N.B.—If Mess Utensils and Bedding are to be provided by the Ship, the Stipulation must be inserted here.]

Signature in full ______________
Place and Date ______________

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £________________
Balance £________________to be paid at____________________
Total £________________

NOTICES TO PASSENGERS.

1. If Passengers, through no Default of their own, are not received on board on the Day named in their Contract Tickets, or fail to obtain a Passage in the Ship, they should apply to the Government Emigration Officer at the Port, who will assist them in obtaining Redress under the Passengers Act.
2. Passengers should carefully keep this Part of their Contract Ticket till after the End of the Voyage.

N.B.—This Contract Ticket is exempt from Stamp Duty.

SCHE-

SCHEDULE (M.)

FORM of EMIGRANT RUNNER'S Annual Licence.

(a) The Christian and Surnames in full, with the Address of the Party applying for the Licence, must be here correctly inserted.

(b) City, Town, or District, in which the Emigrant Runner is to carry on his Business.

A. B. (a) of in the having made Application in Writing to us, the undersigned Justices of the Peace assembled in Petty Sessions, for the (b) of to grant to him a Licence to enable him to be registered as an Emigrant Runner in and for (b) , and the said [*A. B.*] having also been recommended as a proper Person to receive such Licence by an Emigration Officer, *or* by the Chief Constable [*or other Head Officer of Police, as the Case may be*] of [*the District, Town, or Place in which the said A. B. is to carry on his Business*]: We, the under-mentioned Justices, having no sufficient Cause shown to us, and seeing of ourselves no valid Reason why the said *A. B.* should not receive such Licence, do hereby grant to him this Licence for the Purposes aforesaid, subject nevertheless to be revoked for Misconduct on the Part of the said *A. B.*, as in the "Passengers Act, 1855," is provided.

SCHEDULE (N.)

FORM of SUMMONS for a DEFENDANT or a WITNESS.

A. B. Complainant.
C. D. Defendant.

County, *or* City, *or* Borough, *or* Police District of (*as the Case may be*).

(1) Insert this when the Defendant is summoned.

(2) Insert this in case a Witness is summoned.

THIS is to command you to appear without fail on the Day of instant (*or* next) at o'Clock in the noon at before me, or other the Magistrate or Justices of the Peace then and there present (1) [to answer the Complaint of (an Emigration Officer, *or* Assistant Emigration Officer, *or* Officer of Customs, or (*in the Colonies* a Government Emigration *or* Immigration Agent, *as the Case may be*,) for a Breach of the Section (*or* Sections, *as the Case may be*,) of the Passengers Act, 1855,] (2) [*or* to give Evidence in the Complaint of *A. B.* against *C. D.* for Breach of the Passengers Act, 1855].

Signed ____________ Justice of the Peace, *or* Police, *or* Stipendiary Magistrate, *or* Sheriff, *or* Steward, *or* Sheriff Substitute, *or* Steward Substitute, *as the Case may be.*

Dated this Day of One thousand eight hundred and .

To ____________

SCHE-

SCHEDULE (O.)

FORM of CONVICTION and ORDER of ADJUDICATION under the Passengers Act, 1855, when the DEFENDANT appears.

A.B. Complainant.
C.D. Defendant.

County, *or* City, *or* Borough, *or* Police District, *or* Stewartry of (*as the Case may be*).

BE it remembered, That on the Day of instant, *C.D.* of personally came before me (*or* us, *as the Case may be,*) at to answer the Complaint of *A.B.* (¹) for a Breach of the Section (*or* Sections, *as the Case may be,*) of the Passengers Act, 1855, in that, *&c.* (²) *or* (*as the Case may be*), for a Breach of the Contract contained in a certain Contract Ticket, dated , and issued by to for a Passage to in the Ship .

Whereupon I (*or* we) did proceed to examine into the Complaint so made against the said *C.D.*, and the same having been (admitted to be true by the said *C.D., or as the Case may be,*) fully proved to my (*or* our) Satisfaction by the Testimony on Oath of *E.F.* (³) a credible Witness (*or* Witnesses), I (*or* we) (⁴) [do convict him the said *C.D.* of the Offence (*or* Offences) aforesaid; and I (*or* we)] do adjudge and order that he shall pay to the said *A.B.* as such (Emigration Officer, *or* Government Emigration Agent, *or* Officer of Customs, *or* Passenger of the Ship , *as the Case may be,*) the Sum of *l.* by way of Penalty (*or* by way of Subsistence Money, *or* of Return of Passage Money, *or* as Damages for Breach of such Contract as aforesaid, *as the Case may be,*) [(⁵) and shall also pay to the said *A.B.* the further Sum of *l.* as Compensation for the Loss and Inconvenience occasioned to (⁶) by the Loss of Passage in the Ship].

(⁷) [And I (*or* we) do also adjudge and order that the Licence granted to the said *C.D.* to act as a Passage Broker be forfeited.]

(⁸) [And I (*or* we) do hereby also adjudge and order that the Sum of *l.* being a Part not exceeding One Moiety of the said Penalty of *l.*, be applied to compensate (⁹) for the Wrong or Damage which he (she *or* they) has (*or* have) sustained in this Matter.

And I (*or* we) do further adjudge and order, that the said *C.D.* shall forthwith pay to the said *A.B.* the further Sum of *l.* for the Costs and Charges by him the said *A.B.* incurred in the Prosecution of this Matter.

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship________ as the Case may be.

(2) Here describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.

(3) Name the Witness, or Witnesses if more than One.

(4) Omit these Words where there is no Conviction but only an Order of Adjudication.

(5) Insert this in Cases where Compensation is awarded.

(6) Name the Passenger or Passengers by or on whose Behalf the Compensation is awarded.

(7) Insert this where the Offender is a Passage Broker, and his Licence is declared forfeited.

(8) Insert this where Compensation out of the Penalty is awarded to any aggrieved Passenger.

(9) Name the Passenger or Passengers.

Given

Given under my Hand and Seal (*or* our Hands and Seal), this Day of One thousand eight hundred and .

Signature ____________ } Justice of the Peace, Police *or* Stipendiary Magistrate, *or* Sheriff, *or* Steward, *or* Sheriff *or* Steward Substitute, *as the Case may be*, for (10)___

(10) State County or District, &c. as the Case may be.

FORM of CONVICTION and ORDER of ADJUDICATION where the DEFENDANT does not appear.

A.B. Complainant.
C.D. Defendant.

——

County, *or* City, *or* Borough, *or* Police District, *or* Stewartry of , *as the Case may be.*

——

BE it remembered, That *C.D.* of being duly summoned to answer the Complaint of *A.B.* (1) for a Breach of the Section (*or* Sections) of the Passengers Act, 1855, in that, *&c.* (2) *or* (*as the Case may be*), for a Breach of the Contract contained in a certain Contract Ticket, dated and issued by to for a Passage to in the Ship , did not appear before me (*or* us), pursuant to the said Summons. Nevertheless, I (*or* we) did proceed to examine into the Complaint so preferred against the said *C.D.*, and the same having been duly proved to my (*or* our) Satisfaction by the Testimony on Oath of *E.F.* (3) a credible Witness (*or* Witnesses), I (*or* we) do, *&c.* (*proceed as in preceding Form of Conviction according to the Circumstances of the Case*).

(1) State whether Emigration Officer, or Officer of Customs, or Government Emigration Agent, or Passenger of the Ship________, as the Case may be.

(2) Describe briefly and in general Terms the Requirement (or Requirements) of the Act which has not been fulfilled.

(3) Name the Witness or Witnesses

CAP. CXX.

An Act for the better Local Management of the Metropolis.—[14*th* August 1855.]

CAP. CXXI

CAP. CXXI.

An Act to consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 *and* 1849.—[14*th* August 1855.] (England.)

CAP. CXXII.

An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.—[14*th* August 1855.]

CAP. CXXIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland ; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.* —[14*th* August 1855.]

CAP. CXXIV.

An Act to amend the Charitable Trusts Act, 1853.—[14*th* August 1855.] (England.)

CAP. CXXV.

An Act to confirm Provisional Orders of the General Board of Health, applying the Public Health Act (1848) *to the Districts of* Middlesborough, Windhill, Christchurch, Keighley, Tunstall, *and* Toxteth Park, *and for Alteration of the Boundaries of the District of* Romford.—[14*th* August 1855.]

CAP. CXXVI.

An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases —[14*th* August 1855.]

(This Act shall not extend to Scotland.)

CAP. CXXVII.

An Act to make better Provision for the Union of contiguous Benefices, and to facilitate the building and endowing of new Churches in spiritually destitute Districts.—[14*th* August 1855.] (England and Wales.)

CAP. CXXVIII.

An Act further to amend the Laws concerning the Burial of the Dead in England.—[14*th* August 1855.]

CAP. CXXIX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-five, and to appropriate the Supplies granted in this Session of Parliament.—[14*th* August 1855.]

CAP. CXXX.

An Act for raising the Sum of Seven Millions by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-five.—[14*th* August 1855.]

CAP. CXXXI.

An Act to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purposes of Education.—[14*th* August 1855.]

WHEREAS it is expedient that greater Security should be afforded for the due Application of Money advanced in certain Cases to the Trustees or Managers of Schools by the Lords Commissioners of the Treasury out of the Parliamentary Grant for the Promotion of Education in *Great Britain:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Where any Grant hath been made or shall hereafter be made out of any Sums of Money heretofore granted or hereafter to be granted by Parliament for the Purposes of Education in *Great Britain*, under the Advice of any Committee of the Council on Education for the Time being, to the Trustees,

Sale, &c. of Premises in respect of which Grant of Money has been made

not to be valid without Consent of Secretary of State, &c.

Trustees, Managers, or other Persons applying on behalf of any School, with the Consent of the Trustees or Persons holding the legal Estate thereof, for or towards the Purchase of the Site or the Erection, Enlargement, or Repair of the School, or the Residence of the Master or Mistress, or the furnishing such School or Residence, no Sale, Exchange, or Mortgage of the Premises in respect of which such Grant hath been or may hereafter be made in exercise of any Power contained in the Conveyance or other Deed relating thereto, or under any other legal Authority, shall be valid unless either the Consent of the Secretary of State for the Home Department for the Time being in Writing under his Hand be given to the same, or the Amount of the Grant which shall have been made as aforesaid shall be repaid to the Lords Commissioners of the Treasury for the Time being; and whenever any Grant as aforesaid shall be hereafter made, a Memorandum, to be signed by One of the Lords Commissioners of the Treasury for the Time being, shall be endorsed upon some One of the Title Deeds relating to the School, certifying to the Fact of the Grant having been made upon such Application, and for some such Purpose as aforesaid, and referring to this Act; and in any Case in which any Grant as aforesaid shall have been already made, so soon as such Memorandum shall have been endorsed and signed on any such Deed, all Bonds, Covenants, or other personal Obligations heretofore given or entered into to prevent the Exercise of any such Power of Sale, Exchange, or Mortgage without such Consent as aforesaid, shall, so far as they relate to such Exercise, but no further, be annulled.

Purchasers not to be affected without Notice.

II. Nothing herein contained shall affect any Purchaser for a valuable Consideration without Notice, nor be deemed to apply to any School in respect of any such Grant heretofore made without any such Bond, Covenant, or other personal Obligations or Conditions as to Sale, Exchange, or Mortgage having been entered into by the Trustees or Persons holding the legal Estate in such Schools and the Committee of Council on Education.

CAP. CXXXII.

An Act for facilitating the Erection of Dwelling Houses for the Labouring Classes.—[14*th* August 1855.]

(This Act shall not extend to Scotland.)

CAP. CXXXIII.

An Act for limiting the Liability of Members of certain Joint Stock Companies.—[14*th* August 1855.]

(This Act shall not apply to Scotland.)

CAP. CXXXIV.

An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in Southampton Buildings, Chancery Lane, *with Powers of leasing and Sale thereof.*—[14*th* August 1855.]

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED,

Passed in the THIRD Session of the SIXTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

18 & 19 Vict.

i. AN Act to amend "The *Pudsey* Gas Act, 1845," and to enable the Company thereby incorporated to raise a further Sum of Money.

ii. An Act for incorporating the *Woolwich, Plumstead, and Charlton* Consumers Gas Company.

iii. An Act to enable the *Cambridge* University and Town Waterworks Company to raise further Money.

iv. An Act to enable the *Taunton* Gas Light and Coke Company to raise a further Sum of Money, and for other Purposes.

v. An Act for erecting and maintaining a Bridge over the River *Wye* at a Place called *Hoarwithy Ferry*, in the Parishes of *Hentland* and *King's Caple* in the County of *Hereford*, and for making convenient Approaches thereto.

vi. An Act to transfer to the Corporation of the Town of *Brighton* the Property, Powers, Privileges, and Liabilities of the *Brighton* Improvement Commissioners.

vii. An Act for granting further Powers to the *Folkestone* Waterworks Company.

viii. An Act for more effectually lighting with Gas the Town of *Stalybridge* and the Neighbourhood thereof in the Counties of *Chester* and *Lancaster* and in the West Riding of the County of *York.*

ix. An Act for supplying with Gas the Townships of *Ossett-cum-Gawthorpe* in the Parish of *Dewsbury*, and *Horbury* in the Parish of *Wakefield*, all in the West Riding of the County of *York.*

x. An Act for enabling the *Monmouthshire* Railway and Canal Company to raise further Capital, and for other Purposes.

xi. An Act for constructing a Railway from *Bridport* to *Maiden Newton,* on the *Wilts, Somerset, and Weymouth* Railway, in the County of *Dorset.*

xii. An Act to consolidate and amend the Provisions of the Act relating to the *Ratcliff* Gaslight and Coke Company.

xiii. An Act to enable the *Leeds, Bradford, and Halifax Junction* Railway Company to raise additional Capital; and for other Purposes.

xiv. An Act for merging the *Sheffield* Gas Consumers Company in the *Sheffield* United Gaslight Company, and for other Purposes.

xv. An Act to authorize the *Glossop* Gas Company to raise Money, and for other Purposes.

xvi. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money, and to create Preferential Stock, for the Purpose of paying off their Mortgage Debt.

xvii. An Act for making a Railway from the *Midland* Railway in the Parish of *Cam* in the County of *Gloucester* to the Town of *Dursley.*

xviii. An Act to enable the *Belfast and County Down* Railway Company to extend their Railway in the County of *Down.*

xix. An Act to grant further Powers to "The *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company."

xx. An Act to enable the *Heywood* Waterworks Company to extend their Undertaking and to increase their Capital.

xxi. An Act for enabling the *Grand Junction* Waterworks Company to raise further Capital, and for other Purposes.

xxii. An Act to re-incorporate *Price's* Patent Candle Company, and to extend its Powers.

xxiii. An Act to enable the *South Wales Mineral* Railway Company to grant a Lease of their Undertaking.

xxiv. An Act for enabling the *Southwark and Vauxhall* Water Company to raise additional Capital, and for other Purposes.

xxv. An Act to empower the *Vale of Neath* Railway Company to raise further Money for the Purposes of their Undertaking.

xxvi. An Act to incorporate the *Woolwich Equitable* Gas Company, and to enable them to raise further Money; and for other Purposes.

xxvii. An Act to enable the *Torquay* Market Company to raise a further Sum of Money, to sell or lease their Undertaking, and for other Purposes.

xxviii. An Act to extend the *Great North of Scotland* Railway from *Huntly* to *Keith.*

xxix. An Act to enable the *Chesterfield* Waterworks and

Gaslight Company to extend their Undertaking; and for other Purposes.

xxx. An Act for making a Railway from the Town of *Jedburgh* to the *Kelso* Branch of the *North British* Railway at or near the *Roxburgh* Station, and for other Purposes.

xxxi. An Act for constructing a Market House, Market Place, and other Buildings for public Accommodation at *Bangor* in the County of *Carnarvon*, and for the better Regulation and Maintenance of the Markets there, and for other Purposes.

xxxii. An Act for more effectually supplying with Gas the Parish of *Rotherham* and certain Places adjacent thereto, in the West Riding of the County of *York*.

xxxiii. An Act for better enabling the Medical, Invalid, and General Life Assurance Society to sue and be sued, and for other Purposes with relation to the Society.

xxxiv. An Act to enable the Company of Proprietors of the *Birmingham* Waterworks to construct new Waterworks; and for other Purposes.

xxxv. An Act for extending the Powers of the *Plymouth and Stonehouse* Gaslight and Coke Company; and for other Purposes.

xxxvi. An Act for paving, draining, cleansing, lighting, and otherwise improving the District of *Saint Mark, Surbiton*, in the Parish of *Kingston-upon-Thames* in the County of *Surrey;* and for other Purposes.

xxxvii. An Act to incorporate the *Stourbridge* Gas Company, and to enable them to light with Gas the Town of *Stourbridge* in *Worcestershire* and other Places.

xxxviii. An Act to enable the *East Indian* Railway Company to issue and register Shares and Securities in *India;* and for other Purposes in relation to such Company.

xxxix. An Act for authorizing the Sale of the *Uxbridge* Burgage Lands, and directing the Application of the Proceeds thereof, and for other Purposes.

xl. An Act to enable the *Madras* Railway Company to issue and register Shares and Securities in *India*, and for other Purposes in relation to such Company.

xli. An Act to enable the Corporation of *Newport* in *Monmouthshire* to purchase the interest of the Freemen in *Newport Marshes*, and for other Purposes.

xlii. An Act to amend "The *Lancaster* Waterworks and Gas Act, 1852," and to raise an additional Sum of Money for the Purposes of the said Act; and for other Purposes.

xliii. An Act to amend the Provisions and extend the Limits of the Act relating to the *Over Darwen* Gaslight Company.

xliv. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to make a new Street from *Manchester* across the River *Irwell* into *Salford;* and authorizing Arrangements with the Corporation of *Salford* in reference thereto; and for other Purposes.

xlv. An Act to extend the Limits of the Borough of *Kingston-upon-Thames*, and to provide for the better paving, lighting, draining, and otherwise improving the said Borough; and for other Purposes.

xlvi. An Act for extending the Powers of The *Plymouth Great Western* Dock Company, and for other Purposes.

xlvii. An Act to authorize the Mayor, Aldermen, and Burgesses of the Borough of *Oldham*, to construct additional Waterworks; and for other Purposes.

xlviii. An Act to confer further Powers on the *Birmingham* Gaslight and Coke Company.

xlix. An Act for repealing an Act called "The *Hartlepool* Gas and Waterworks Act, 1849," and granting other Powers in lieu thereof; and for enabling the *Hartlepool* Gas and Water Company to raise further Money, and for other Purposes; the Short Title of which is "The *Hartlepool* Gas and Waterworks Act, 1855."

l. An Act to consolidate and amend the Acts relating to the *Llynvi Valley* Railway Company; to enable them to construct a new Railway from *Llangonoyd* to *Bridgend*, and to extend their present Line from *Foce* Toll House to *Saint Bride's Minor*, to abandon Parts of their existing and authorized Lines, to dissolve the *Bridgend* Railway Company and to abandon their Railway; and for other Purposes.

li. An Act for further and more effectually repairing and maintaining the Bridge over the River *Tweed* at or near the Town of *Kelso* in the County of *Roxburgh*.

lii. An Act to amend "The *St George's* Harbour Act, 1853."

liii. An Act to enable the *Ulster* Railway Company to make a Railway from *Armagh* to *Monaghan*, and to enlarge their Station at *Belfast;* and for other Purposes.

liv. An Act for enabling the Mayor, Aldermen, and Burgesses of *Londonderry* to raise a further Sum of Money; and for other Purposes.

lv. An Act to incorporate "The *Kilmarnock* Gaslight Company," established to supply with Gas the Town of *Kilmarnock*, and the Parishes of *Kilmarnock* and *Riccarton*, and Places therein, all in the County of *Ayr*.

lvi. An Act for consolidating into One Act and amending the Provisions of the several Acts relating to the *Dundee and Perth and Aberdeen* Railway Junction Company; and for enabling the Company to raise Money for the Payment of Debts; and for other Purposes.

lvii. An Act for making a Railway from the *Great North of Scotland* Railway to *Turriff* in the County of *Aberdeen.*

lviii. An Act to authorize certain Arrangements with respect to the Capital of the *Swansea* Dock Company.

lix. An Act for extending the Time for the Completion of the *Cornwall* Railway and Works; and for making further Provisions as to the Share Capital of the *Cornwall* Railway Company; and for other Purposes.

lx. An Act to enable the *Swansea Vale* Railway Company to extend their Railway, and to maintain and work the same as a Passenger Railway, and for other Purposes connected therewith.

lxi. An Act to repeal the Act relating to the *Leominster and Ledbury* Turnpike Trust, and to make other Provisions in lieu thereof.

lxii. An Act to enable the *Salisbury and Yeovil* Railway Company to make a Deviation in the Line of their Railway; and for other Purposes.

lxiii. An Act to enlarge some of the Powers of the Acts relating to the *Bristol and Exeter* Railway Company; and to enable such Company to raise further Sums of Money, to acquire additional Lands, to lease the *Somerset Central* Railway, to hold additional Shares in the *Exeter and Crediton* Railway; and for other Purposes.

lxiv. An Act to incorporate the *Hyde* Gas Company, and to grant more effectual Powers for supplying with Gas the several Townships of *Hyde*, *Werneth*, *Bredbury*, *Romiley*, *Newton*, and *Godley* in the County of *Chester*.

lxv. An Act for making a Railway from and out of the *Great North of Scotland* Railway in the Parish of *Inverury* to the Town of *Old Meldrum*, all in the County of *Aberdeen;* and for other Purposes.

lxvi. An Act for amending the several Acts relating to the *Liverpool* Corporation Waterworks, and for authorizing Deviations and the Construction of Works; and for other Purposes.

lxvii. An Act for amending "The *Commercial Roads* Act, 1828," and "The *Commercial Roads* Continuation Act, 1849," and for other Purposes.

lxviii. An Act for repairing the Road from the Town of *Kingston-upon-Hull* to the Western Boundary of the Parish of *Hessle* in the East Riding of the County of *York*.

lxix. An Act for making a Railway from the *Oxford* Branch of the *Great Western* Railway to *Abingdon*.

lxx. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Ashton-under-Lyne* in the County of *Lancaster* to purchase and maintain Waterworks; and for other Purposes.

lxxi. An Act to repeal the Act relating to the *Nottingham and Loughborough* Turnpike Road, and to make other Provisions in lieu thereof.

lxxii. An Act for establishing and maintaining an efficient System of Police for the Royal Burgh of *Renfrew*, for improving the said Burgh, and for other Purposes in relation thereto.

lxxiii. An Act to enable the *Waterford and Limerick* Railway Company to raise further Money; and for other Purposes.

lxxiv. An Act for the Improvement of the Town of *Saint Helen's*, and for other Purposes.

lxxv. An Act to alter and extend the Line of the *Cromford and High Peak* Railway, and to amend and consolidate the Provisions of the Acts relating thereto.

lxxvi. An Act for making a Railway from the *Waterford and Limerick* Railway at *Killonan* to *Castleconnell*, to be called "The *Limerick and Castleconnell* Railway;" and for other Purposes.

lxxvii. An Act to extend the Limits of the *Newcastle-under-Lyme* Gaslight Company's Act for the Supply of Gas, and to authorize the raising of a further Sum of Money, and for other Purposes.

lxxviii. An Act to increase the borrowing Powers of the *Limerick and Foynes* Railway Company.

lxxix. An Act to consolidate and amend the Acts relating to the *Maryport and Carlisle* Railway; to authorize the Company to improve their existing Railway; to make new Branches, Stations, and other Additions to their Works; to raise further Monies; and for other Purposes.

lxxx. An Act for better lighting with Gas the Town and Borough of *Newport*, and the Neighbourhood thereof, in the County of *Monmouth*.

lxxxi. An Act for more effectually supplying with Gas the Town of *Weston-super-Mare* in the County of *Somerset*.

lxxxii. An Act to renew the Term and continue the Powers of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Road from* Alford *to* Boston, *and from thence to* Cowbridge *in the Township of* Frithville, *in the County of* Lincoln.

lxxxiii. An Act to repeal so much of the Act relating to the *Wigan* and *Preston* Roads as relates to the District of the said Roads North of *Yarrow*, and to make other Provisions in lieu thereof.

lxxxiv. An Act to alter and amend "The Lands Improvement Company's Act, 1853."

lxxxv. An Act to renew the Term and continue the Powers of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act of the Fortieth Year of His late Majesty's Reign for repairing the Road leading from the Turnpike Road in* Witney *to the Road on* Swerford Heath, *and the Road leading from the Road from* Woodstock *to* Birmingham *through* Charlbury *to the Road from* Chipping Norton *to* Burford, *all in the County of* Oxford.

lxxxvi. An Act for making a Railway from *Oswestry* in the County of *Salop* to *Welchpool* and *Newtown* in the County of *Montgomery*.

lxxxvii. An Act for repairing, widening, and maintaining several Roads in the Counties of *Dorset* and *Devon* leading to and from the Borough of *Lyme Regis*, and from the Turnpike Road on *Raymond's Hill* to the Turnpike Road at the *Three Ashes* in the Parish of *Crewkerne* in the County of *Somerset*.

lxxxviii. An Act for making a Railway from the Town of *Dundalk* in the County of *Louth* to the Town of *Black Rock* in the said County.

lxxxix. An Act for the better Supply of the City of *Gloucester* and the Neighbourhood thereof with Water; and for other Purposes.

xc. An Act for enabling the *London and Blackwall* Railway Company to widen certain Portions of their Railways, and for amending some of the Provisions of the Acts relating to such Railways.

xci. An Act for enabling the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a Branch Railway to *Lincoln*, and for other Purposes.

xcii. An Act for continuing the Term of the *Nottingham and Newhaven* Turnpike Road and Districts Act, and for other Purposes.

xciii. An Act for extending the Powers of the *Warrington* Waterworks Company, and for other Purposes.

xciv. An Act to amend the *East Kent* Railway Act, 1853.

xcv. An Act to authorize the Company of Proprietors of the *Regent's* Canal to purchase the *Hertford Union* Canal; and for other Purposes.

xcvi. An Act to enable the *Caledonian* Railway Company to raise a further Sum of Money.

xcvii. An Act to consolidate and amend the Acts relating to the *Glasgow and South-western* Railway, and for other Purposes.

xcviii. An Act to consolidate and amend the Acts relating to the *South Wales* Railway Company, and to authorize the Construction of new Works, and Alterations of existing Works, and for other Purposes.

xcix. An Act to authorize Improvements in the Borough of *Newcastle-upon-Tyne.*

c. An Act for the Improvement of the Town of *Newton in Mackerfield* and Neighbourhood in the County of *Lancaster.*

ci. An Act to enable the *Cork and Youghal* Railway Company to make a Branch Railway to *Queenstown*, and to make certain Deviations in and an Extension of their Line; and for other Purposes.

cii. An Act to alter certain Portions of the *Metropolitan* Railway, and to amend the Provisions of the Act relating thereto.

ciii. An Act to amend and extend the Provisions of the Act relating to the *Gomersal* and *Dewsbury* Turnpike Roads, and to create a further Term therein; and for other Purposes.

civ. An Act to repeal certain Acts relating to the *Basingstoke, Stockbridge, and Lobcomb Corner* Turnpike Roads, and to make other Provisions in lieu thereof.

cv. An Act to enable the *Dundalk and Enniskillen* Railway Company to construct Extension Railways; and for other Purposes.

cvi. An Act to repeal the Acts relating to the Road from *Lightpill* to *Birdlip*, and make other Provisions in lieu thereof.

cvii. An Act to repeal the Act relating to the *Peterborough and Wellingborough* Turnpike Road, and to make other Provisions in lieu thereof.

cviii. An Act to repeal the Act for making and maintaining a Turnpike Road from *Cainscross* through *Stroud* over *Rodborough* and *Minchinhampton* Commons to the Town of *Minchinhampton*, with some Branches therefrom, all in the County of *Gloucester*, and to make other Provisions in lieu thereof.

cix. An Act to repeal an Act for making and maintaining certain Roads from the Town of *Stroud* and several other

Places therein mentioned, all in the County of *Gloucester*, and to make other Provisions in lieu thereof.

cx. An Act to enable the *Rhymney* Railway Company to extend their Railway to the *Taff Vale* Railway, to construct Branch Railways, and for other Purposes.

cxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the First District of the *Bridport* Turnpike Roads in the County of *Dorset*.

cxii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Bridport* and *Broadwinsor* Turnpike Roads.

cxiii. An Act for incorporating the *Bombay, Baroda, and Central India* Railway Company; and for other Purposes connected therewith.

cxiv. An Act for extending the Time for the Purchase of Lands, and for the Completion of a Railway from *Chichester* to *Bognor*.

cxv. An Act for incorporating the *Scinde* Railway Company, and for other Purposes connected therewith.

cxvi. An Act to enable the *North Yorkshire and Cleveland* Railway Company to make a Branch from their Railway to the *Middlesbrough and Guisbrough* Railway, and also a Branch to *Whorlton*, and other Works; and to alter and amend the Act relating to the said Company; and for other Purposes.

cxvii. An Act to change the Name of "The *National* Loan Fund Life Assurance Society" to the Name of "The *International* Life Assurance Society;" and to enable the said Society to sue and be sued in the Name of the Chairman or Secretary or any One Director of the said Society; and to give additional Powers to the said Society.

cxviii. An Act to authorize and empower the Magistrates and Council of the City of *Glasgow* to supply with Water the said City and Suburbs thereof, and Districts, and Places adjacent; to purchase and acquire the *Glasgow* Waterworks, and the *Gorbals* Gravitation Waterworks; and to introduce an additional Supply of Water from *Loch Katrine;* and for other Purposes.

cxix. An Act for maintaining and improving the Harbour of *Ayr*, and for the better Regulation and Management thereof.

cxx. An Act for making a Railway through part of the *Aberdare Valley* in the County of *Glamorgan,* to join the *Vale of Neath* Railway.

cxxi. An Act for enabling the Company of Proprietors of the *Birmingham*

Birmingham Canal Navigations to make and maintain additional Canals and Works, and for other Purposes.

cxxii. An Act for making Railways from the *South Devon* Railway to *Exmouth*, and to the basin of the *Exeter* Canal, to be called The *Exeter and Exmouth* Railway.

cxxiii. An Act to consolidate the Capital Stock of the *Electric Telegraph* Company and of the *International Telegraph* Company, and to grant further Powers to the *Electric Telegraph* Company.

cxxiv. An Act to enable the *Great Northern* Railway Company further to increase their Capital; and for other Purposes with relation to the same Company.

cxxv. An Act for incorporating the "*Colonial* Life Assurance Company;" for enabling the said Company to sue and to be sued, to take and hold Property; and for other Purposes relating to the said Company.

cxxvi. An Act for the Improvement, Maintenance, and Regulation of the Port of *Hartlepool*, for the construction of a Harbour of Refuge there, and for other Purposes.

cxxvii. An Act for making a Railway from *Ladybank* on the Line of the *Edinburgh, Perth,* and *Dundee* Railway, by *Auchtermuchty* and *Strathmiglo*, to *Milnathort* and *Kinross.*

cxxviii. An Act to authorize the *Sunderland* Dock Company to make further Works; and to amend and consolidate the Acts relating to the said Company; and for other Purposes.

cxxix. An Act for regulating the share Capital of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and for other Purposes.

cxxx. An Act to enable the *Stockport, Disley, and Whaley Bridge* Railway Company to construct a Junction Line to the *Cromford and High Peak* Railway, and for other Purposes.

cxxxi. An Act to enable the *Carmarthen and Cardigan* Railway Company to make a Deviation in their Line of Railway; and for other Purposes.

cxxxii. An Act for the Improvement of the Town of *Leek* in the County of *Stafford*, for purchasing the Market Tolls, and for providing more commodious Markets and Cemeteries, and for better supplying the Inhabitants with Water; and for other Purposes.

cxxxiii. An Act to enable the *Weymouth* Waterworks Company to increase and extend their Supply of Water, and to construct new Works, and for other Purposes.

cxxxiv. An Act for changing the Corporate Name of the Company of Proprietors of the *Grand Surrey* Canal; for consolidating their Acts; for authorizing them to make a new Entrance from the *Thames*, additional Docks and other Works, and to raise further Moneys; and for other Purposes.

cxxxv. An Act for granting further Powers to the *Torquay, Tor, and Saint Mary Church* Gas Company.

cxxxvi. An Act to repeal the Acts passed for repairing the Road from *Hedon* through *Preston* and *Bilton* to *Hull*, and other Roads in the County of *York*, and to make other Provisions in lieu thereof.

cxxxvii. An Act for incorporating the "Gaslight Company of *Sligo*," and for other Purposes.

cxxxviii. An Act to amend the Provisions of "The *West Bromwich* Improvement Act, 1854," with relation to the Prevention of Smoke.

cxxxix. An Act to vary the Mode of carrying the *Staines, Wokingham, and Woking* Railway across certain Roads, and for other Purposes.

cxl. An Act for incorporating "The *Cape Town* Railway and Dock Company," and for other Purposes connected therewith.

cxli. An Act to amalgamate the *Glasgow and Inchbelly Bridge* and *Possil and Balmore* Turnpike Road Trusts, and to make Branch Roads; and for other Purposes.

cxlii. An Act for making and maintaining a Turnpike Road from *Charlestown of Aboyne*, by *Ballatar*, *Crathie*, and *Castletown of Braemar*, to *Cairnwell Hill*, with a Branch at *Crathie*, in the County of *Aberdeen*; and for other Purposes.

cxliii. An Act for constructing and maintaining a Quay and other Works in the Borough of *Gateshead* in the County of *Durham*, and for other Purposes.

cxliv. An Act to enable the *Halifax* Gaslight and Coke Company to transfer their Undertaking and Powers to the *Halifax* Local Board of Health; and for other Purposes.

cxlv. An Act to amend an Act of the First Year of the Reign of King *George* the Fourth, Chapter 100, to enable Her Majesty's Commissioners of Lieutenancy for the City of *London* to purchase certain Lands and Houses for building more convenient and requisite Head Quarters, Storehouses, and other proper Accommodation for the Royal *London* Militia, and to confer certain other Powers.

cxlvi. An Act for making a Railway from the *London and North-western* Railway at *Dunstable* in the County of *Bedford* to the *Great Northern* Railway at or near *Welwyn* in the County of *Hertford*, to be called the "*Luton, Dunstable, and Welwyn Junction* Railway;" and for other Purposes.

cxlvii. An Act to extend the Limits of the Borough of *Folkestone;* to enable the Corporation of the said Borough to construct a Market House; to make certain new Streets and other Improvements; and to pave, light, drain, and otherwise improve the said Borough; and for other Purposes.

cxlviii. An Act for insuring the due Proof of Gun Barrels in *England*, and for other Purposes.

cxlix. An Act for enabling the *Stockton and Darlington* Railway Company to make new Branches, and other Works; to acquire additional Lands; and for other Purposes.

cl. An Act for authorizing the making and maintaining of the *West Somerset Mineral* Railway, and the improving and regulating of the Harbour of *Watchet* in the County of *Somerset;* and for other Purposes.

cli. An Act for better supplying with Water the Town and Parish of *Wolverhampton*, the Suburbs thereof, and the Parishes and Places adjacent thereto.

clii. An Act to amend "The *Bradford* Corporation Waterworks Act, 1854."

cliii. An Act for making a Railway from the *Port Carlisle* Railway in the Township of *Drumburgh* to or near to the *Coat* Lighthouse in *Silloth Bay* in the Parish of *Holme Cultram* in the County of *Cumberland*, and also a Dock and Jetty at *Silloth Bay;* and for making Arrangements with the *Port Carlisle* Dock and Railway Company; and for other Purposes.

cliv. An Act for maintaining the *Yorkshire* District of the Road from *Keighley* in the West Riding of the County of *York* to *Kirkby-in-Kendal* in the County of *Westmoreland.*

clv. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to acquire Lands; and for other Purposes.

clvi. An Act to renew the Term and continue the Powers of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from* Wadhurst *to the Turnpike Road on* Lamberhurst Down, *both in the County of* Sussex, *and from the Turnpike Road on* Pullen's Hill *to* West Farleigh Street, *both in the County of* Kent.

clvii. An Act for extending the Times granted to purchase Lands for the Part of the *Waveney Valley* Railway between *Bungay* and *Beccles.*

clviii. An Act to enable the *Edinburgh and Glasgow* Railway Company to enlarge their Station at *Queen Street, Glasgow;* to raise additional Capital; and for other Purposes.

clix. An Act for making and maintaining the *Great Northern London* Cemetery, and for other Purposes.

clx. An Act for better enabling the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* to raise and secure Monies payable by them to the *Nene Valley* Drainage and Navigation Improvement Commissioners; and for other Purposes.

clxi. An Act to repeal the Act relating to the *Bolton and Nightingale's* Turnpike Road, and to make other Provisions in lieu thereof.

clxii. An Act to authorize the Construction of a Dock on the North Side of the River *Thames*, to be called "The *Dagenham* (*Thames*) Dock."

clxiii. An Act to amend "The *London* Necropolis and National Mausoleum Act, 1852," and for other Purposes.

clxiv. An Act to repeal an Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of *Honiton* in the County of *Devon;* and to make other Provisions in lieu thereof.

clxv. An Act for making a Railway from the *Leven* Railway at the Town of *Leven* to the Town of *Kilconquhar* in the County of *Fife*, to be called "The *East of Fife* Railway."

clxvi. An Act to incorporate the *Royal Medical Benevolent* College, and for other Purposes.

clxvii. An Act to enable the *Londonderry and Coleraine* Railway Company to lease a Portion of their Undertaking; and for other Purposes.

clxviii. An Act for more effectually repairing the *Cavendish Bridge and Brassington* Road, and for making a Branch Line of Road in connexion with the same, all in the County of *Derby*.

clxix. An Act for making Railways from the *Farnborough* Extension of the *West London and Crystal Palace* Railway to the *North Kent* Line of the *South-eastern* Railway, and to the *London, Brighton, and South Coast* Railway, with Branches therefrom; and for other Purposes.

clxx. An Act for extending the Limits of the Harbour of *Barrow* in the County Palatine of *Lancaster;* and to enable the Commissioners of the said Harbour to raise a further Sum of Money; and for other Purposes.

clxxi. An Act for vesting the Undertakings of the *Birkenhead* Dock Company, and of the Trustees of the *Birkenhead* Docks in the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, and for other Purposes.

clxxii. An Act for improving the Postal and Passenger Communication between *England* and *Ireland*, and for authorizing

ing Arrangements between certain Companies in *England* and *Ireland* in relation thereto; and for other Purposes.

clxxiii. An Act to repeal and consolidate the several Acts relating to the *Furness* Railway Company; to enable the said Company to raise a further Sum of Money; to give further Powers to the said Company; and for other Purposes.

clxxiv. An Act to authorize the Trustees of the *Liverpool* Docks to construct new Works, and to raise a further Sum of Money; and for other Purposes.

clxxv. An Act for enabling the *South Staffordshire* Railway Company to make certain Branch Railways; for the Purchase of additional Lands at *Wichnor* and *Dudley;* and for other Purposes.

clxxvi. An Act for maintaining and improving the Road from *Gateshead* in the County of *Durham* to the *Hexham* Turnpike Road near *Dilston Bar* in the County of *Northumberland,* and other Roads connected therewith.

clxxvii. An Act to enable the *Portsmouth* Railway Company to make an Alteration in the Line of their Railway; and for other Purposes.

clxxviii. An Act for the Improvement of the Borough of *Shrewsbury* in the County of *Salop.*

clxxix. An Act to correct an Oversight in "The *Hereford* Improvement Act, 1854."

clxxx. An Act to incorporate a Company for making a Railway from the *Bishop Auckland* Branch of the *North-eastern* Railway in the Township of *Elvet* to the Township of *Brandon* and *Byshottles,* all in the County of *Durham,* to be called "The *Dearness Valley* Railway;" and for other Purposes.

clxxxi. An Act to enable the *Oxford, Worcester, and Wolverhampton* Railway Company to alter and improve certain of their Works, and to construct additional Works; and to authorize Arrangements with respect to the *Stratford-upon-Avon* Canal; and for other Purposes.

clxxxii. An Act for enabling the *Somerset Central* Railway Company to construct Railways to *Wells* and to *Burnham,* and a Pier at *Burnham,* and to raise additional Capital; and for other Purposes.

clxxxiii. An Act for the making and maintaining of the *Severn Valley* Railway; and for other Purposes.

clxxxiv. An Act to facilitate the Erection of One or more Churches in the Parishes of *Tormoham* and *Saint Mary Church,* at or near the Town of *Torquay,* in the County of *Devon;* and for other Purposes.

clxxxv. An Act to repeal the Act of the Ninth *Victoria,* Chapter Thirty-two, to reconstitute and extend the Police District therein mentioned under the Name of the *Airdrie* Rural Police District, and to erect and maintain a Hall, Court House, and Public Offices for the *Airdrie* District of *Lanarkshire.*

clxxxvi. An Act to authorize the Transfer of the Undertaking of the *Deptford* Gaslight and Coke Company to the *Surrey* Consumers Gas Company, and to wind up the Affairs of the first-named Company; and for other Purposes.

clxxxvii. An Act for enabling the *East Kent* Railway Company to extend their authorized Line of Railway by the Construction of a Railway from *Canterbury* to *Dover*, with Two Branches at *Dover;* to increase their Capital; and for other Purposes.

clxxxviii. An Act for amending the Acts relating to the *London and South-western* Railway Company; for regulating their Capital; and for other Purposes.

clxxxix. An Act for the Conservancy and Improvement of *Dundalk* Harbour and Port; and for other Purposes.

cxc. An Act for making certain Railways to connect *Glasgow*, *Dumbarton*, and *Helensburgh*, in the Counties of *Lanark* and *Dumbarton;* and for making Provision for the Use and working of the said Railways.

cxci. An Act for making a Railway from the *Great Western* Railway at *Southall* in the County of *Middlesex* to *Brentford* in the same County, with Docks at the last-mentioned Place; and for other Purposes.

cxcii. An Act for making a Railway and Pier to and at *Stokes Bay* in the County of *Hants.*

cxciii. An Act for extending the Times granted to the *Westminster* Improvement Commissioners by "The *Westminster* "Improvement Act, 1845," "The *Westminster* Improvement "Act, 1847," "The *Westminster* Improvement Act, 1850," and "The *Westminster* Improvement Act, 1853," for the compulsory Purchase of Lands and the Completion of Works; and for altering the Corporate Name of "The "*Westminster* Association for Improving the Dwellings of "the Working Classes" to "The *London* and *Westminster* "Association for Improving the Dwellings of the Working "Classes;" and for other Purposes.

cxciv. An Act to change the corporate Name of the *Derbyshire, Staffordshire,* and *Worcestershire Junction* Railway Company, to repeal their Act and consolidate their Powers, to alter and define their Undertaking, to reduce their Capital; and for other Purposes.

cxcv. An Act for facilitating the Completion of the *Westminster*

minster Improvements, and for the Incorporation of the *Westminster* Land Company for a limited Period for that Purpose.

cxcvi. An Act for transferring Part of the Property and Powers of the Trustees of the River *Lee;* and for the Amendment of the Acts of the *New River* Company, the *East London* Waterworks Company, and the said Trustees; and for other Purposes.

cxcvii. An Act to repeal, alter, and amend some of the Provisions of "The *Royal Conical* Flour Mill Company's Act, 1854;" to enable the Company to raise a further Sum of Money; and for other Purposes.

cxcviii. An Act for making a Railway from the *Manor Street* Terminus of the authorized *Westminster Terminus* Railway in the Parish of *Clapham* in the County of *Surrey* to *Norwood* in the Parish of *St Mary Lambeth* in the same County, connecting the *Westminster Terminus* Railway with the *West End of London and Crystal Palace* Railway.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for enabling Leases to be made of the Freehold Estates of the late *Matthew Hill* Esquire, and for other Purposes.

2. An Act to enable the Trustees under the Settlement executed on the Marriage of *Philip Rideout Hoffe* to effect a Sale to Sir *Richard Plumptre Glyn* Baronet, of certain Hereditaments situate at *Twyford* in the Parish of *Compton Abbas* and County of *Dorset,* and for other Purposes; and of which the Short Title is "*Hoffe's* Estate Act, 1855."

3. An Act for authorizing the granting of Mining Leases of Estates subject to the Uses of the Will of *Robert Bell Livesey* Esquire, deceased, and for other Purposes.

4. An Act for enabling Leases, Sales, Repairs, and Improvements to be made of the Estates of *James Walthall Hammond* Esquire, deceased, and for other Purposes, the Short Title of which is "*Hammond's* Estate Act, 1855."

5. An Act to authorize Conveyances in Fee or Demises for long Terms of Years, under reserved Rents, of certain Parts of Estates, settled by the Will of the late *Joseph Livesey* Esquire, deceased.
6. An Act to enable *George William Holmes Ross*, of *Cromarty*, Esquire, to relieve the Estate of *Cromarty* from Burdens affecting the same, to charge the said Estate with certain Family Provisions and with certain Sums of Money expended in Improvements thereon.
7. An Act for authorizing Mining and other Leases and Sales and Exchanges to be made of the Lands devised by the Will of *George Bray* deceased; and for other Purposes.
8. An Act for authorizing the granting of Building Leases of certain Parts of the Estates subject to the Residuary Devise in the Will of *John Jenkins*, late of *Saltley Hall* in the County of *Warwick*, Esquire, and for appointing new Trustees of the said Will; and for other Purposes.
9. An Act for enabling the Right Honourable *William Nevill* Earl of *Abergavenny* to grant Leases of entailed Mines, Minerals, Lands, and Hereditaments in the County of *Monmouth*.
10. An Act to enable the President and Scholars of *Saint John Baptist* College in the University of *Oxford* to grant Building Leases of their Lands in the Parishes of *Saint Giles, Saint Thomas,* and *Woolvercot, Oxford;* and for other Purposes.
11. An Act for vesting in the Commissioners of the Metropolis Turnpike Roads North of the *Thames* the Lands in *Islington* devised by the Will of *Edward Harvist* to the Brewers Company, upon trust for the Repair of the Highway from *Tyburn* to *Edgeworth;* and for discharging the Company from the Trusts of that Will; and for enabling the Commissioners to grant Building Leases of those Lands; and for other Purposes.
12. An Act to empower the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford* to sell certain Lands situate in the Parish of *Holywell* otherwise *Saint Cross* in the City of *Oxford*, and to lay out the Monies to arise from such Sale in the Purchase of other Hereditaments.
13. An Act for giving Effect to a Compromise of certain Suits and Claims affecting the Estates of *Josephine Catherine Handcock, Anne Mary Handcock*, and *Honoria Handcock*, Spinsters, deceased, and for vesting the said Estates in *John Stratford Handcock* Esquire, subject to certain Charges; and for other Purposes.

14. An Act to athorize the granting of Building and other Leases of Estates in the Counties of *Louth* and *Armagh*, devised by the Will of the Right Honourable *William Charles* Viscount *Clermont* deceased, and the Sale and Exchange of certain Portions of the Estate so devised; and for other Purposes.
15. An Act for the future Government, Management, and Regulation of the Charity of *John Marshall*, late of *Southwark* in the County of *Surrey*, Gentleman, deceased; and for other Purposes.
16. An Act for vesting the Freehold and Leasehold Estates comprised in the residuary Gifts in the Will of *Joseph Halford* Esquire, deceased, in Trustees, with Powers to sell, exchange, and lease the same, and to purchase other Lands, to be resettled conformably to such residuary Gifts.

PRIVATE ACTS,

NOT PRINTED.

17. An Act to relieve Sir *James Carnegie* of *Southesk*, *Kinnaird*, and *Pittarrow*, Baronet, from the Effect of the Attainder of *James* Fifth Earl of *Southesk* and Baron *Carnegie* of *Kinnaird* and *Leuchars* in *Scotland*.
18. An Act to dissolve the Marriage of *Henry Newsham Pedder* with *Emma Pedder* his now Wife, and to enable him to marry again; and for other Purposes.
19. An Act to dissolve the Marriage of *William Ewing* the younger with *Helen Mary Ewing* his now Wife, and to enable him to marry again; and for other Purposes.
20. An Act to dissolve the Marriage of *Arthur Wyndham* Esquire with *Ann Magdalene Louisa Wyndham* his now Wife, and to enable him to marry again; and for other Purposes.
21. An Act to dissolve the Marriage of *James Kemington Hadow* Merchant with *Jane Menzies* his now Wife, and to enable him to marry again; and for other Purposes.
22. An Act to dissolve the Marriage of *Edward Jones* with *Elizabeth Jones* his now Wife, and to enable him to marry again; and for other Purposes.
23. An Act to dissolve the Marriage of *Morton Cornish Sumner* Esquire with *Penelope Rubina Maria* his now Wife, and to enable the said *Morton Cornish Sumner* to marry again; and for other Purposes therein mentioned.

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Affirmations; to allow affirmations to be made instead of Oaths in certain cases 25
Arts and Manufactures of the United Kingdom, to allow Spirit of Wine Duty-free to be used in 35

Bills of Lading, to amend the Law relating to 211
Births, to make further Provision for the Registration of . . . 30
Burial of the Dead, to amend the Laws concerning 74

Carriage of Passengers by Sea, to amend the Law relating to . . . 215
Coal Mines, to amend the Laws for the inspection of 212
Coffee, for granting certain Duties of Customs on 8
Colonial Lighthouses, to facilitate the Erection and Maintenance of . . 115
County Elections, to amend 2 and 3 W. 4., c. 65, so far as relates to the Procedure in 24
Crown Suits, for the Payment of Costs in, in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer 113
Customs, to suspend the Decline of Duties of, on Tea, from and after the 5th April 1855 3
——— for granting certain Duties of, on Tea, Coffee, Sugar, and other Articles 8
——— to consolidate certain Acts, and otherwise amend the Laws of the Customs 139
——— for the Amendment and Consolidation of the Customs Tariff Acts 156

Dead, to amend the Laws concerning the Burial of 74
Deaths, to make further Provision for the Registration of . . . 30
Declarations; to allow Affirmations or Declarations to be made instead of Oaths in certain Cases 25
Dwelling Houses, to facilitate the Erection of, for the Working Classes . 93

Education; to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purpose of Education . 277
Elections; to amend an Act of 2 and 3 W. 4., for amending the Representation of the People in Scotland, in so far as relates to the Procedure in County Elections in that Country 24

Page

Excise, for granting certain additional Rates and Duties of 12
——— to impose increased Rates of Excise Duty on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-Free in the distilling of Spirits; and to amend the Laws relating to the Duties of Excise 122

Friendly Societies, to consolidate and amend the Law relating to . . 41

Gold Wedding Rings; for excepting from the Operation of 17 and 18 Vict. c. 96, relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares . . 39

Houses (Dwelling), to facilitate the Erection of, for the Working Classes . 93

Income; for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices . . . 5
——— to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives 34
Industrial Schools; to amend the Act to render Industrial Schools more available for the Benefit of Vagrant Children 91
Insurance on Lives; to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of . 34
Intestacy; to alter in certain respects the Law of Intestate Moveable Succession 21
Inverness Bridge; to extend the Provisions of 14 and 15 Vict. c. 66, for rebuilding the Bridge over the River Ness at Inverness . . . 212

Lading, to amend the Laws relating to Bills of 211
Life Insurance, to continue 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of . . 34
Lighthouses (Colonial), to facilitate the Erection and Maintenance of . . 115

Malt, allowed to be used Duty-Free in the Distilling of Spirits . . 122
Manufactures, to allow Spirit of Wine Duty-Free to be used in . . 35
Marriages, to make further Provision for the Registration of . . . 30
Merchant Shipping Act 1854, to amend 115
Militia; to amend the Law concerning the Qualification of Officers of the Militia 198
Mines (Coal), to amend the Laws for the Inspection of . . . 202
Molasses, allowed to be used Duty-Free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Molasses 122
Moveable Succession; to alter in certain respects the Law of Intestate Moveable Succession in Scotland 21

Ness (River), to extend the Provisions of 14 and 15 Vict. c. 66, for rebuilding the Bridge over, at Inverness 212
Newspapers, to amend the Laws relating to the Stamp Duties on . . 26

Oaths, to allow Affirmations or Declarations to be made instead of, in certain Cases 25
Offices, for granting to Her Majesty an increased Rate of Duty on Profits arising from 5

Parliamentary Representation in Scotland, to amend 2 and 3 W. 4., c. 65, so far as relates to the Procedure in County Elections in that Country 24
Passengers, to amend the Law relating to the Carriage of, by Sea . . 215
Property and Professions, for granting to Her Majesty an increased Rate of Duty on Profits arising from 5
Publications, to provide for the Transmission of Periodical Publications by Post 26

Page

Reformatory and Industrial Schools; to amend the Act for rendering them more available for the Benefit of Vagrant Children . . . 91
Registration of Births, Deaths, and Marriages, to make further Provision for 30

School Grants; to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purposes of Education 277
Schools, to amend the Act to render Reformatory and Industrial Schools more Available for the Benefit of Vagrant Children 91
Securities to the Inland Revenue, to amend the Law relating to . . 85
Shipping; Merchant Shipping Act 1854, to amend 115
Spirits, &c.; for granting certain Additional Rates and Duties of Excise . 12
Spirits; to impose increased Rates of Excise Duty on Spirits distilled in the United Kingdom, and to allow Malt, Sugar, and Molasses to be used Duty-Free in the distilling of Spirits, instead of Allowances and Drawbacks on such Spirits, Sugar, and Molasses, respectively 122
Spirit of Wine, allowed to be used Duty-Free in the Arts and Manufactures of the United Kingdom 35
Stage Carriages, to reduce certain Duties on 85
Stamp Duties, to amend the Laws relating to 85
——— on Newspapers, to amend the Laws relating to 26
Succession; to alter in certain respects the Law of Intestate Moveable Succession in Scotland 21
Sugar, for granting certain Duties of Customs on 8
——— for granting certain Additional Rates and Duties of Excise . . 12
——— to allow Sugar to be used Duty-Free in the distilling of Spirits in lieu of Allowances and Drawbacks on such Sugar 122

Tea, to suspend the Decline of the Customs Duties on, from and after the 5th April 1855 3
—— for granting certain Duties of Customs on 8
Trades, for granting to Her Majesty an increased Rate of Duty on Profits arising from 5

Vagrant Children, to amend the Act to render Reformatory Schools more available for the Benefit of 91

Wedding Rings; for excepting Gold Wedding Rings from the Operation of 17 and 18 Vict. c. 96, relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares . 45
Working Classes, to facilitate the Erection of Dwelling Houses for . . 93

Youthful Offenders, to amend 17 and 18 Vict. c. 86, for the better Care and Reformation of, and the Act 17 and 18 Vict. c. 74, to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children 91

INDEX

TO

THE PUBLIC GENERAL ACTS.

18° & 19° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

E. *signifies that the Act relates to* England (and Wales, if the Subject extends so far).
W. ,, ,, ,, ,, Wales exclusively.
S. ,, ,, ,, ,, Scotland.
I. ,, ,, ,, ,, Ireland.
E. & I. ,, ,, ,, England and Ireland.
G. B. ,, ,, ,, Great Britain.
G. B. & I. ,, ,, ,, Great Britain and Ireland.
U. K. ,, ,, ,, The whole of the United Kingdom.

	Cap.	Relating to
Actions; to facilitate the Remedies on Bills of Exchange and Promissory Notes by the prevention of frivolous or fictitious Defences to Actions thereon	67.	E.
Administration of Oaths Abroad; to enable British Diplomatic and Consular Agents Abroad to administer Oaths and do Notarial Acts	42.	U. K.
Affirmations; to allow Affirmations to be made instead of Oaths in certain Cases	25.	S.
Alterations in Pleadings; to continue 13 & 14 Vict. c. 16, for enabling the judges of the Courts of Common Law at Westminster to alter the Forms of Pleading . . .	26.	E.
America (United States), to carry into effect a Treaty between Her Majesty and	3.	U. K.
——— to give Effect to a Convention between Her Majesty and	77.	U. K.
Annuities, for raising the Sum of £16,000,000 by way of .	18.	U. K.
Antigua (Island of), to Authorize the Commissioners of the Treasury to make Arrangements concerning certain Loans advanced by way of Relief to	71.	U. K.
Appropriation; to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1855, and to appropriate the Supplies granted in this Session of Parliament	129.	U. K.

	Cap.	Relating to
Army, to amend 10 & 11 Vict. c. 37, for limiting the Time of Service in	4.	U. K.
—— for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	11.	U. K.
—— to permit Foreigners to be enlisted and to serve as Officers and Soldiers in	2.	U. K
Arts and Manufactures of the United Kingdom to allow Spirit of Wine Duty-free to be used in	38.	U. K.
Athlone, to discontinue the taking of Toll on the Road to, from Kinnegad, and to provide for the Maintenance of such Road, and for the Discharge of Debts due thereon	69.	I.
Australian Colonies; to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies, and to make other Provisions in lieu thereof	56.	U. K.
Ballot. *See* Militia Ballots Suspension.		
Beer; to repeal so much of 3 & 4 W. 4. c. 68, as requires Persons applying for Licences for the Sale of, to enter into a Bond with Sureties	103	I
—— to repeal 17 & 18 Vict. c. 79, for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof	118.	E.
Benefices (Contiguous), to make better Provision for the Union of	127.	E.
Bills of Exchange, to facilitate the remedies on, by the Prevention of frivolous or fictitious Defences to Actions thereon	67.	E.
Bills of Lading, to amend the Law relating to	111.	U. K.
Births, to make further Provision for the Registration of	29.	S.
Board of Health; to confirm Provisional Orders of the General Board of Health, applying the Public Health Act (1848) to the Districts of Middlesbrough, Windhill, Christchurch, Keighley, Tunstall, and Toxteth Park, and for Alteration of the Boundaries of the District of Romford	125.	E.
Bonds and Securities to the Inland Revenue, to amend the Law relating to	78.	G. B.
Brighton, to confirm the Incorporation of the Borough of	31.	E.
Burial of the Dead, to amend the Laws concerning	68.	S.
—— further to amend the Laws concerning	128.	E.
Burial of poor Persons by Guardians and Overseers of the Poor, to amend the Law regarding	79	E.
Chancery (Court of), to make further Provision for the more speedy Despatch of Business in, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in Southampton Buildings, Chancery Lane, with Powers of Leasing and Sale thereof	134.	E.
Charitable Trusts Act, 1853, to amend	124.	E.
Children receiving Outdoor Relief, to provide for the Education of	34.	E.
Chinese Passenger Ships, for the Regulation of	104.	U.K.
Christchurch (*Monmouth*), to confirm Provisional Order of the General Board of Health applying the Public Health Act (1848) to the District of	125.	E.
Christ Church (Todmorden) Marriages Validity; to render valid certain Marriages in Christchurch in the Chapelry of Todmorden and Parish of Rochdale in the Counties of Lancaster and York	66.	E.
Churches; to facilitate the building and endowing of new Churches in spiritually destitute Districts	127.	E.

	Cap.	Relating to
Cider, to repeal so much of 3 & 4 W. 4. c. 68, as requires Persons applying for Licences for the Sale of, to enter into a Bond with Sureties	103.	I.
Cinque Ports, for the better Administration of Justice in	48.	E.
Coal Mines, to amend the Laws for the Inspection of	108.	G. B.
Coffee, for granting certain Duties of Customs on	21.	U. K.
Colonial Light Houses, to facilitate the Erection and Maintenance of	91.	U. K.
Common Law Courts at Westminster, to continue 13 & 14 Vict. c. 16, for enabling the Judges of, to alter the Forms of Pleading	26.	E.
Common Law Procedure Act, 1854, to extend to Ireland the Provision of the Eighteenth Section of	7.	I.
Commons Inclosure; to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales	14.	E.
Consolidated Fund, to apply £3,300,000 out of, to the Service of the Year ending 31st March 1855	5.	U. K.
——— to apply £20,000,000 out of, to the Service of the Year 1855	6.	U. K.
——— to apply £10,000,000 out of, to the Service of the Year 1855	37.	U. K.
——— (Appropriation); to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1855, and to appropriate the Supplies granted in this Session of Parliament	129.	U. K.
Consular Agents (British) abroad, enabled to administer Oaths and do Notarial Acts	42.	U. K.
Convention with Sardinia; to carry into effect a Convention between Her Majesty and the King of Sardinia	17.	U. K.
Convention with United States; to give Effect to a Convention between Her Majesty and the United States of America	77.	U. K.
Copyhold and Inclosure Commissions, to continue Appointments under the Act for consolidating	52.	E.
Costs, for the Payment of, in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue	90.	U. K.
County Elections, to amend 2 & 3 W. 4. c. 65, so far as relates to the Procedure in	24.	S.
Crime and Outrage, to continue 11 & 12 Vict. c. 2, for the better Prevention of	112.	I.
Criminal Justice, for diminishing Expense and Delay in the Administration of, in certain Cases	126.	E.
Crown Debts, for the better Protection of Purchasers against	15.	E.
Crown Lands; to authorize the letting Parts of the Royal Forests of Dean and Woolmer, and certain other Parts of the Hereditary Possessions of the Crown	16.	E.
Crown Suits, for the Payment of Costs in, in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer	90.	U. K.
Customs, to suspend the Decline of Duties of, on Tea, from and after 5th April 1855	9.	U. K.
——— for granting certain Duties of, on Tea, Coffee, Sugar, and other Articles	21.	U. K.
Customs; to consolidate certain Acts, and otherwise amend the Laws of the Customs	96.	U. K.
——— for the Amendment and Consolidation of the Customs Tariff Acts	97.	U. K.
Dead, to amend the Laws concerning the Burial of	68.	S.
——— further to amend the Laws concerning the Burial of	128.	E.

	Cap.	Relating to
Dean Forest, to authorize the letting Part of	16.	E.
Deaths, to make further Provision for the Registration of	29.	S.
Declarations; to allow Affirmations or Declarations to be made instead of Oaths in certain Cases	25.	S.
Defamation, for abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for	41.	E.
Defences to Actions (frivolous or fictitious); to facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon	67.	E.
Degrees, to repeal the Stamp Duties payable on, in the University of Oxford	36.	E.
—— to repeal the Stamp Duties payable on, in the University of Dublin	82.	I.
Desertion. *See* Army.		
Despatch of Business (Court of Chancery): to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in Southampton Buildings, Chancery Lane, with Powers of Leasing and Sale thereof	134.	E.
Diplomatic Agents (British) abroad, enabled to administer Oaths, and do Notarial Acts	42.	U. K.
Diseases, for the better Prevention of	116.	E.
—— to consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849	121.	E.
Distillation (Illicit), to amend 17 & 18 Vict. c. 89. for the Suppression of	62. 103.	I. I.
Downing Street Public Offices Extension; to enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing Street, Westminster	95.	E.
Drainage; to empower the Commissioners of Sewers to expend on House Drainage a certain Sum out of the Monies borrowed by them on the Security of the Rates	30.	E.
—— to authorize the Application of certain Sums granted by Parliament for Drainage and other Works of Public Utility in Ireland, towards the Completion of certain Navigations undertaken in connection with Drainages; and to amend the Acts for promoting the Drainage of Lands and Improvements in connection therewith	110.	I.
Dublin (City); to amend 17 & 18 Vict. c. 99, to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in Dublin	44.	I.
—— to amend the Dublin Carriage Acts	65.	I.
—— to discontinue the taking of Toll on the Turnpike Roads leading from, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon	69.	I.
—— to abolish certain Payments charged on the Consolidated Fund in favour of the Provost and Fellows of Trinity College, Dublin, and of certain Professors in the said College; and to repeal the Stamp Duties payable on Matriculations and Degrees in the University of Dublin	82.	I.
Dwelling Houses, for the Labouring Classes, for facilitating the Erection of	132.	E.
—— to facilitate the Erection of, for the Working Classes	88.	S.
East India Company, to relieve, from the Obligation to maintain the College at Haileybury	53.	E.

	Cap.	Relating to
Ecclesiastical Courts, for abolishing the Jurisdiction of, in Suits for Defamation	41.	E.
Ecclesiastical Jurisdiction, to continue certain temporary Provisions concerning	75.	E.
Ecclesiastical Property, to provide that the Property or Income Tax payable in respect of the Income from, in Ireland, shall be a Deduction in estimating the Value of such Property for the Purpose of Taxation by the Ecclesiastical Commissioners	28.	I.
Edinburgh (Lands); to ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings; and to vest in them certain Property situate near the College of Edinburgh, together with the General Register House in the said City, and all lands held therewith; and to enable the Commissioners to acquire certain Property near the Palace of Holyrood . .	80.	S.
Education of Children in the Receipt of Out-door Relief, to provide for	34.	E.
——— to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the purposes of Education	131.	G. B.
Endowed Schools, to facilitate Inquiries of Commissioners of .	59.	I.
Enlistment of Foreigners; to permit Foreigners to be enlisted and to serve as Officers and Soldiers in Her Majesty's Forces	2.	U. K.
Exchequer; to amend an Act to regulate the Office of the Receipt of Her Majesty's Exchequer at Westminster . .	96.	U. K.
Exchequer Bills; raising 17,183,000*l.* for the Service of the Year 1855	8.	U. K.
Exchequer Bills and Bonds; raising 7,000,000*l.* for the Service of the Year 1855	130.	U. K.
Exchequer (Court of); to amend the Provisions of 13 & 14 Vict. c. 51	50.	I.
——— for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer	90.	U. K.
Excise, for granting certain additional Rates and Duties of .	22.	G. B. & I.
——— to impose increased Rates of Excise Duty on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits; and to amend the Laws relating to the Duties of Excise	94.	G. B. & I.
Fisheries (North America); to carry into effect a Treaty between Her Majesty and the United States of America . .	3.	U. K.
Fisheries (British Islands and France); for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France . . .	101.	U. K.
Foreigners; to permit Foreigners to be enlisted and to serve as Officers and Soldiers in Her Majesty's Forces . .	2.	U. K.
French (the Emperor of); to enable Her Majesty to carry into effect a Convention made between Her Majesty, the Emperor of the French, and His Imperial Majesty the Sultan .	99.	U. K.
Friendly Societies, to consolidate and amend the Law relating to	63.	U. K.
Gold Wedding Rings; for excepting from the Operation of 17 & 18 Vict. c. 96. relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares	60.	U. K.
Grand Juries of Counties, enabled to present for Payment of Expenses in certain Cases	74.	I.
Grants of Lands and Tenements for the Purpose of Religious Worship, to facilitate	39.	I.

	Cap.	Relating to
Haileybury College, to relieve the East India Company from the Obligation to maintain	53.	E.
House Drainage, to empower the Commissioners of Sewers to expend on, a certain Sum out of the Monies borrowed by them on the Security of the Rates	30.	E.
House of Commons, to enable a Third Principal Secretary of State and a Third Under Secretary of State to sit in	10.	U. K.
——— to prevent Doubts as to the Validity of certain Proceedings in	33.	U. K.
——— to provide for the Performance of certain Duties of the Speaker during his temporary Absence from	84.	U. K.
Huddersfield Burial Ground Act, 1852, to amend the Provisions of	89.	E.
Inclosure of Lands; to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales	14. 61.	E. E.
Inclosure Commission; to continue Appointments under the Copyhold and Inclosure Commissions Act	52.	E.
Income; for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices	20.	U. K.
——— to provide that the Property or Income Tax payable in respect of the Income from Ecclesiastical Property in Ireland shall be a Deduction in estimating the Value of such Property for the Purpose of Taxation by the Ecclesiastical Commissioners	28.	I.
——— to continue 16 & 17 Vict. c. 91. for extending for a limited Time the Provisions for Abatement of Income Tax in respect of Insurance on Lives	35.	G. B. & I.
Incumbered Estates, to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of	73.	I.
Indemnity; annual Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time for those Purposes respectively	49.	U. K.
India, to amend certain Acts relating to the Supreme Courts of Judicature in	93.	U. K.
Industrial Schools; to amend the Act to render Industrial Schools more available for the Benefit of Vagrant Children	87.	S.
Infants, enabled, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate, on Marriage	43.	E.
Inland Revenue, to amend the Laws relating to Bonds and Securities to	78.	G. B.
Insurance on Lives; to continue 16 & 17 Vict. c. 91. for extending for a limited Time the Provision for Abatement of Income Tax in respect of	35.	G. B. & I.
Intestacy; to alter in certain respects the Law of Intestate Moveable Succession	23.	S.
Inverness Bridge; to extend the Provisions of 14 & 15 Vict. c. 66. for rebuilding the Bridge over the River Ness at Inverness	113.	S.
Joint Stock Companies, for limiting the Liability of Members of certain	133.	E.
Judgments, for the better Protection of Purchasers against	15.	E.
Judicature, to amend certain Acts relating to the Supreme Courts of, in India	93.	U. K.
Jurisdiction of the Stannary Court, to amend and extend	32.	E.
——— of Ecclesiastical Courts in Suits for Defamation, for abolishing	41.	E.

	Cap.	Relating to
Jurisdiction (Ecclesiastical), to continue certain temporary Provisions concerning	75.	E.
Justice, for the better Administration of, in the Cinque Ports	48.	E.
Keighley (*W. R. York*), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of	125.	E.
Kinnegad to Athlone, to discontinue the taking of Toll on the Turnpike Road from, and to provide for the Maintenance of such Road	69.	I.
Labouring Classes, for facilitating the Erection of Dwelling Houses for	132.	E.
Lancaster (County Palatine of), for further assimilating the Practice in, to that of other Counties with respect to the Trial of Issues from the Superior Courts at Westminster	45.	E.
——— to enable the Chancellor and Council of the Duchy of, to sell and purchase Land on behalf of Her Majesty, Her Heirs and Successors, in right of the said Duchy	58.	E.
Lands, to authorize the Inclosure of certain, in pursuance of a Report of the Inclosure Commissioners for England and Wales	14. 61.	E. E.
——— to facilitate Grants of, for the Purpose of Religious Worship, and other Purposes connected therewith	39.	I.
Ledbury (*Hereford*); for appropriating the Corps of the Prebend or Portion of Netherhall Ledbury, and for constituting the Living of Ledbury a Rectory with Cure of Souls, and for augmenting the Endowments thereof	92.	E.
Library (Public), to amend 17 & 18 Vict. c. 99. to provide for the Care of, in Dublin	44.	I.
Libraries; for further promoting the Establishment of Free Public Libraries and Museums	40.	I.
——— for further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes	70.	E.
Licences, for the Sale of Beer, Cider, or Spirits by Retail, to repeal so much of 3 & 4 W. 4. c. 68. as requires Persons applying for, to enter into a Bond with Sureties	103.	I.
——— Public Houses, for the Transfer of	114.	I.
Life Annuities, and Cases of Lis pendens, for the better Protection of Purchasers against	15.	E.
Life Insurance, to continue 16 & 17 Vict. c. 91. for extending for a limited Time the Provision for Abatement of Income Tax in respect of	35.	G. B. & I.
Lighthouses (Colonial), to facilitate the Erection and Maintenance of	91.	U. K.
Limited Liability of Members of certain Joint Stock Companies	133.	E.
Lis pendens, for the better Protection of Purchasers against Cases of	15.	U. K.
Loan; for raising 16,000,000*l.* by way of Annuities	18.	U. K.
——— to authorize the Commissioners of the Treasury to make Arrangements concerning a certain Loan advanced by way of Relief to the Island of Tobago	107.	U. K.
——— *See also* Turkish Loan. Sardinia.		
Loans advanced by way of Relief to the Islands of Antigua, Nevis, and Montserrat, to authorize the Commissioners of the Treasury to make Arrangements concerning certain	71.	U. K.
London, for the better Local Management of	120.	E.
Lunacy Regulation Act, 1853, to explain and amend	13.	E.

	Cap.	Relating to
Lunatic Asylums (Private), to continue 5 & 6 Vict. c. 123. for amending the Law relative to	76.	I.
Lunatic Asylums (Public), Act, 1853, to amend, and also the Acts passed in the 9th and 17th Years of Her Majesty, for the Regulation and Care of Lunatics	105.	E.
——— (Advances); to make further Provisions for the Repayment of Advances out of the Consolidated Fund for the Erection and Enlargement of Asylums for the Lunatic Poor, and to amend the Laws with reference to the Repayments in case of Change of Districts, and the Appointment of Commissioners of General Control and Correspondence	109.	I.
Malacca; to amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca	93.	U. K.
Malt, allowed to be used Duty-free in the distilling of Spirits	94.	G. B. & I.
Manufactures, to allow Spirit of Wine Duty-free to be used in	38.	U. K.
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on shore	12.	U. K.
Marriages, to make further Provision for the Registration of	29.	S.
——— to render valid certain Marriages in Christ Church in the Chapelry of Todmorden and Parish of Rochdale in the Counties of Lancaster and York	66.	E.
Matriculations in the University of Dublin, to repeal the Stamp Duties payable on	82.	I.
——— in the University of Oxford, to repeal the Stamp Duties payable on	36.	E.
Measures; for legalizing and preserving the restored Standards of Weights and Measures	72.	U. K.
Merchant Shipping Act, 1854, to amend	91.	U. K.
Metropolis, for the better Local Management of	120.	E.
——— to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood	122.	E.
Middlesbrough (*N. R. York*), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of	125.	E.
Militia, to enable Her Majesty to accept the Services of, out of the United Kingdom, for the vigorous Prosecution of the War	1.	U. K.
——— (No. 2.) to amend the Laws relating to	57.	E.
——— to amend the Law concerning the Qualification of Officers of the Militia	100.	U. K.
——— to remove Doubts as to the Commissions of Officers of, in Ireland, who have omitted to deliver to the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission; and to amend the Law relating to the Militia in Ireland	19.	I.
Militia Ballots Suspension; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom	106.	U. K.
Militia Pay; to defray the Charge of the Pay, Clothing, &c., of the Disembodied Militia in Great Britain and Ireland; to grant Allowances, in certain Cases, to Subaltern Officers; &c.; and to authorize the Employment of the Non-commissioned Officers	123.	U. K.
Molasses, allowed to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Molasses	94.	G. B. & I.
Montserrat (Island of), to authorize the Commissioners of the Treasury to make Arrangements concerning certain Loans advanced by way of relief to	71.	U. K.
Museum; to amend 17 & 18 Vict. c. 99. to provide for the Erection of a Public Museum in Dublin	44.	I.

	Cap.	Relating to
Museum; for further promoting the Establishment of Free Public Libraries and Museums	40.	I.
——— for further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes	70.	E.
Mutiny; for punishing Mutiny and Desertion	11.	U. K.
——— (Marine); for the Regulation of Her Majesty's Royal Marine Forces while on shore	12.	U. K.
National Gallery, &c. (Dublin); to amend 17 & 18 Vict. c. 99. for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum in Dublin	44.	I.
Navigation Works; to authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility, towards the completion of certain Navigations undertaken in connection with Drainages; and to amend the Acts for promoting the Drainage of Lands and Improvements in connection therewith	110.	I.
Ness (River), to extend the Provisions of 14 & 15 Vict. c. 66. for rebuilding the Bridge over, at Inverness	113.	S.
Netherhall Ledbury. *See* Ledbury.		
Nevis (Island of), to authorize the Commissioners of the Treasury to make Arrangements concerning certain Loans advanced by way of Relief to	71.	U. K.
New South Wales; to enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "to confer "a Constitution on New South Wales, and to grant a Civil "List to Her Majesty"	54.	U. K.
Newspapers, to amend the Laws relating to the Stamp Duties on	27.	U. K.
Nuisances Removal and Diseases Prevention Acts, 1848 and 1849, to consolidate	121.	E.
Oaths, to allow Affirmations or Declarations to be made instead of, in certain Cases	25.	S.
——— to enable British Diplomatic and Consular Agents abroad to administer Oaths	42.	U. K.
Offices, for granting to Her Majesty an increased Rate of Duty on Profits arising from	20.	U. K.
Offices and Employments, annual Indemnity Act for Persons neglecting to qualify for	49.	U. K.
Ordnance, for transferring the Powers and Estates vested in the Principal Officers of, to One of Her Majesty's Principal Secretaries of State	117.	U. K.
Outrage, to continue 11 & 12 Vict. c. 2. for the better Prevention of	112.	U. K.
Oxford (University of), to repeal the Stamp Duties payable on Matriculation and Degrees in	36.	E.
Parliamentary Representation in Scotland, to amend 2 & 3 W. 4. c. 65., so far as relates to the Procedure in County Elections in that Country	24.	S.
Passenger Ships (Chinese), for the Regulation of	104.	U. K.
Passengers, to amend the Law relating to the Carriage of, by Sea	119.	U. K.
Pleading, to continue 13 & 14 Vict. c. 16. for enabling the Judges of the Courts of Common Law at Westminster to alter the Forms of	26.	E.
Poor; to continue 17 & 18 Vict. c. 43. for charging the Maintenance of certain poor Persons in Unions upon the Common Fund	47.	E.

	Cap.	Relating to
Poor; to continue the Exemption of Inhabitants from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor	51.	E.
——— to amend the Law regarding the Burial of poor Persons by Guardians and Overseers of	79.	E.
Prince of Wales Island; to amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca	93.	U. K.
Promissory Notes, to facilitate the Remedies on, by the Prevention of frivolous or fictitious Defences to Actions thereon	67.	E.
Property and Professions, for granting to Her Majesty an increased Rate of Duty on Profits arising from	20.	U. K.
Public Health Act, 1854, to continue and amend	115.	E.
——— to confirm Provisional Orders of the General Board of Health, applying the Public Health Act, 1848, to the Districts of Middlesbrough, Windhill, Christchurch, Keighley, Tunstall, and Toxteth Park, and for Alteration of the Boundaries of the District of Romford	125.	E.
Publications, to provide for the Transmission of periodical Publications by Post	27.	U. K.
Public Houses, for the Transfer of Licences of	114.	I.
Public Libraries and Museums (Free), for further promoting the Establishment of	40.	I.
——— for further Promoting the Establishment of, in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes	70.	E.
Public Works; to enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing Street, Westminster	95.	E.
Purchasers Protection against Judgments; for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis pendens, and Life Annuities or Rentcharges	15.	E.
Queen, the; to carry into effect a Treaty between Her Majesty and the United States of America	3.	U. K.
——— to carry into effect a Convention between Her Majesty and the King of Sardinia	17.	U. K.
——— to enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "to confer a Constitution on New South Wales and to grant a Civil List to Her Majesty"	54.	U. K.
——— to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria	55.	U. K.
——— to give effect to a Convention between Her Majesty and the United States of America	77.	U. K.
——— for carrying into effect the Engagements between Her Majesty and certain Chiefs of the Sherbro Country near Sierra Leone in Africa, for the more effectual Suppression of the Slave Trade	85.	U. K.
——— to enable Her Majesty to carry into effect a Convention made between Her Majesty, the Emperor of the French, and His Imperial Majesty the Sultan	99.	U. K.
——— for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France	101.	U. K.
Raglan (Emily Harriet Lady, and Richard Henry Fitzroy Lord); to settle Annuities on Emily Harriet Lady Raglan and Rich-		

Cap. Relating to

ard Henry Fitzroy Lord Raglan, and the next surviving Heir Male of his Body, in consideration of the eminent Services of the late Field Marshal Lord Raglan . . . . . 64. U. K.
Reformatory and Industrial Schools; to amend the Act for rendering them more available for the Benefit of Vagrant Children 87. S.
Registration of Births, Deaths, and Marriages, to make further Provision for . . . . 29. S.
Religious Worship, to facilitate Grants of Land and Tenements for the Purpose of, and other Purposes connected therewith 39. I.
——— to amend the Law concerning the certifying and registering of Places of Religious Worship . . . 81. E.
——— for securing the Liberty of Religious Worship . . 86. E.
Rentcharges, for the better Protection of Purchasers against . 15. E.
Revenue; for the Payment of Costs in Proceedings instituted in behalf of the Crown in Matters relating to the Revenue . 90. U. K.
Rochdale, to render valid certain Marriages in Christchurch in the Chapelry of Todmorden and Parish of . . . 66. E.
Romford (*Essex*), to confirm Provisional Order of the General Board of Health for Alteration of the Boundaries of the District of . . . . 125. E.

Sale of Beer, &c.; to repeal 17 & 18 Vict. c. 79. for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof . . 118. E.
Sardinia; to carry into effect a Convention between Her Majesty and the King of Sardinia . . . . . 17. U. K.
School Grants; to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purposes of Education . . . . . 131. G. B.
Schools; to facilitate Inquiries of Commissioners of Endowed Schools in Ireland . . . . . . 59. I.
——— to amend the Act to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children . 87. S.
Secretary of State; to enable a Third Principal Secretary and a Third Under Secretary of State to sit in the House of Commons . . . . 10. U. K.
——— for transferring to One of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance . . . . . . 117. U. K.
Securities to the Inland Revenue, to amend the Law relating to 78. G. B.
Sewers (House Drainage); Commissioners of Sewers empowered to expend on House Drainage a certain Sum out of the Monies borrowed by them on the Security of the Rates, and also to give to the said Commissioners certain other Powers for the same Purpose . . . . . 30. E.
Sherbro Country, near Sierra Leone in Africa, to carry into effect the Engagements between Her Majesty and certain Chiefs of, for the more effectual Suppression of the Slave Trade . 85. U. K.
Singapore; to amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca . 93. U. K.
Slave Trade; for carrying into effect the Engagements between Her Majesty and certain Chiefs of the Sherbro Country near Sierra Leone in Africa, for the more effectual Suppression of the Slave Trade . . . . 85. U. K.
South Wales. *See* New South Wales.
Speaker of the House of Commons, to provide for the Performance of certain Duties of, during his temporary Absence from the House of Commons . . . . . 84. U. K.
Spirit of Wine, allowed to be used Duty-free in the Arts and Manufactures of the United Kingdom . . . 38. U. K.

	Cap.	Relating to
Spirits, &c.; for granting certain Additional Rates and Duties of Excise	22.	G. B. & I.
Spirits; to amend 17 & 18 Vict. c. 89. for amending the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons and for the Suppression of illicit Distillation .	62.	I.
——— to amend 17 and 18 Vict. c. 89. relating to the Sale of Spirits by unlicensed Persons and illicit Distillation; and also to repeal so much of 3 & 4 W. 4. c. 68. as requires Persons applying for Licences for the Sale of Spirits by Retail to enter into a bond with Sureties	103.	I.
——— to impose increased Rates of Excise Duty on Spirits distilled in the United Kingdom, and to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, instead of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively	94.	G. B. & I.
Stage Carriages, to reduce certain Duties payable on . .	78.	G. B.
Stamp Duties, to amend the Laws relating to . . .	78.	G. B.
——— on Newspapers, to amend the Laws relating to . .	27.	U. K.
——— payable on Matriculation and Degrees in the University of Oxford, to repeal	36.	E.
——— payable on Matriculation and Degrees in the University of Dublin, to repeal	82.	I.
Standards of Weights and Measures, for legalizing and preserving the restored	72.	U. K.
Stannary Court, to amend and extend the Jurisdiction of .	32.	E.
Stock in Trade, to continue the Exemption of Inhabitants from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor . . .	51.	E.
Sugar, for granting certain Duties of Customs on . .	21.	U. K.
——— for granting certain additional Rates and Duties of Excise on	22.	G. B. & I.
——— to allow Sugar to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Sugar	94.	G. B. & I.
Sultan; to enable Her Majesty to carry into effect a Convention made between Her Majesty, the Emperor of the French, and His Imperial Majesty the Sultan	99.	U. K.
Supplies; to apply 3,300,000*l.* out of the Consolidated Fund to the Service of the Year ending 31st March 1855 . .	5.	U. K.
——— to apply 20,000,000*l.* out of the Consolidated Fund to the Service of the Year 1855	6.	U. K.
——— for raising 17,183,000*l.* by Exchequer Bills, for the Service of the Year 1855	8.	U. K.
——— for raising 16,000,000*l.* by way of Annuities . .	18.	U. K.
——— to apply 10,000,000*l.* out of the Consolidated Fund to the Service of the Year 1855	37.	U. K.
——— for raising 7,000,000*l.* by Exchequer Bills and Bonds, for the Service of the Year 1855	130.	U. K.
——— Appropriation of	129.	U. K.
Tea, to suspend the Decline of the Customs Duties on, from and after 5th April 1855	9.	U. K.
——— for granting certain Duties of Customs on . .	21.	U. K.
Tenements, to facilitate Grants of, for the Purpose of Religious Worship, and other Purposes connected therewith . .	39.	I.
Tithe Commutation Acts, for completing Proceedings under .	52.	E.
Tobago, to authorize the Commissioners of the Treasury to make Arrangements concerning a certain Loan advanced by way of Relief to the Island of	107.	U. K.
Todmorden; to render valid certain Marriages in Christ Church in the Chapelry of (*Lancaster and York*) . . .	66.	E.

	Cap.	Relating to
Toxteth Park (*Lancaster*), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of	125.	E.
Trades, for granting to Her Majesty an increased Rate of Duty on Profits arising from	20.	U. K.
Trinity College, Dublin, to abolish certain Payments charged on the Consolidated Fund in favour of the Provost and Fellows of, and of certain Professors in the said College . .	82.	I.
Tunstall (*Stafford*), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of	125.	E.
Turkish Loan; to enable Her Majesty to carry into effect a Convention made between Her Majesty, His Majesty the Emperor of the French, and His Imperial Majesty the Sultan .	99.	U. K.
Turnpike Acts, to continue certain . . .	98. 83.	G. B. I.
Turnpike Trusts, to confirm certain Provisional Orders made under 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of	102.	E.
Union Charges Act continuance; to continue 17 & 18 Vict. c. 43. for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund .	47.	E.
Union of Contiguous Benefices, to make better Provision for .	127.	E.
United States of America, to carry into effect a Treaty between Her Majesty and	3.	U. K.
——— to give Effect to a Convention between Her Majesty and	77.	U. K.
Validity of Proceedings (House of Commons), to prevent Doubts as to	33.	U. K
Vagrant Children, to amend the Act to render Reformatory Schools more available for the Benefit of . . .	87.	S.
Victoria (Colony of); to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria . .	55.	U. K.
Waste Lands of the Crown in Her Majesty's Australian Colonies; to repeal the Acts of Parliament now in force respecting the Disposal of such Waste Lands, and to make other Provisions in lieu thereof	56.	U. K.
Wedding Rings; for excepting Gold Wedding Rings from the Operation of 17 & 18 Vict. c. 96. relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts in relation to Gold Wares . . .	60.	U. K.
Weights and Measures, for legalizing and preserving the restored Standards of	72.	U. K.
West Indies Relief Loans Arrangement; to authorize the Commissioners of the Treasury to make Arrangements concerning certain Loans advanced by way of Relief to the Islands of Antigua, Nevis, and Montserrat	71.	U. K.
Windhill (*York*), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of	125.	E.
Woolmer Forest, to authorize the letting Part of . .	16.	E.
——— for disafforesting	46.	E.
Working Classes, to facilitate the Erection of Dwelling Houses for	88.	S.
Youthful Offenders, to amend 17 & 18 Vict. c. 86. for the better Care and Reformation of, and the Act 17 & 18 Vict. c. 74., to render Reformatory and Industrial Schools more available for the Benefit of Vagrant Children	87.	S.

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1856.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

NINETEENTH AND TWENTIETH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the **Fourth Session** of the **Sixteenth Parliament** of
the United Kingdom of *Great Britain* and *Ireland.*

WITH GENERAL INDEX, AND TABLES OF ALL THE GENERAL, LOCAL, AND
PRIVATE ACTS PASSED IN THE ABOVE SESSION;

AND APPENDIX.

SECOND EDITION.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1856.

S Robertson.

LICENCE.—In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby License and Authorize WILLIAM BLACKWOOD AND SONS, Printers in Edinburgh, to Print and Publish, as by the Authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight: the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said WILLIAM BLACKWOOD AND SONS.

LONDON, 31st *March* 1848. AND. RUTHERFURD.

CONTENTS.

Page

A Table of the Public General Statutes passed in the Fourth Session of the Sixteenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

A Table of all the Local and Personal Acts, declared public, and to be judicially noticed, do. do. 283

Private Acts, printed by the Queen's Printer, and whereof the printed Copies may be given in evidence, . . . 294

Private Acts, not printed, ... 297

Index to Statutes affecting Scotland, ... 298

Index to all the Public General Acts, ... 302

Appendix.

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

Cap. III. An Act to extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint Stock Banks in Scotland existing before the Act of One thousand eight hundred and forty-six, ... 2

Cap. IX. An Act to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land, . 3

Cap. XV. An Act for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals, . . 9

Cap. XXV. An Act to amend the Law relating to Drafts on Bankers, ... 13

Cap. XXVII. An Act to amend the Acts relating to Pawnbrokers, 14

Cap. XXXIV. An Act to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and reimpose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters, . . . 17

Cap. XXXVIII. An Act for the further Amendment of the Laws relating to Labour in Factories, ... 29
Cap. XLI. An Act to make further Provision for the Establishment of Savings Banks for Seamen, ... 31
Cap. XLVI. An Act to exempt Imprisonments under the Act 5 Geo. 4, c. 96, from the operation of the Act abolishing in Scotland Imprisonment for Civil Debts of small Amount, . 34
Cap. XLVII. An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations, . . 36
Cap. XLVIII. An Act for amending the Procedure before Magistrates and Justices of Peace in Scotland, . . . 97
Cap. LI. An Act to permit the Use of Rice in the Distillation of Spirits, ... 99
Cap. LVI. An Act to constitute the Court of Session the Court of Exchequer in Scotland, and to regulate Procedure in Matters connected with the Exchequer, ... 100
Cap. LVIII. An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland, . . . 133
Cap. LX. An Act to amend the Laws of Scotland affecting Trade and Commerce, ... 153
Cap. LXXV. An Act for the further Alteration and Amendment of the Laws and Duties of Customs, ... 159
Cap. LXXIX. An Act to consolidate and amend the Laws relating to Bankruptcy in Scotland, ... 163
Cap. LXXX. An Act to grant Relief in assessing the Income Tax on Lands in Scotland in respect of certain Public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Land, Assessed, and Income Taxes, and the Redemption and Purchase of the Land Tax. . . 232
Cap. LXXXII. An Act to repeal and re-impose under new Regulations the Duty on Race-horses. 235
Cap. LXXXIV. An Act to continue the Corrupt Practices Prevention Act, 1854, ... 239
Cap. LXXXIX. An Act to abolish certain unnecessary Forms in the framing of Deeds in Scotland, ... 241
Cap. XCI. An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King George the Third, relating to Judicial Procedure and Securities for Debts in Scotland, 242
Cap. XCIII. An Act to constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply, ... 246
Cap. XCVI. An Act for amending the Law of Marriage in Scotland, ... 249
Cap. CIII. An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland, ... 251
Cap. CXIII. An Act to provide for taking Evidence in Her Ma-

jesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals, ... 278
Cap. CXVII. An Act to amend the Law relating to the Relief of the Poor of Scotland, ... 280
Cap. CXIX. An Act to amend the Provisions of the Marriage and Registration Acts, ... 282

APPENDIX.

Cap. XXXII. An Act to Extend the Municipal Boundaries of the City of Edinburgh; to Transfer the Powers of the Commissioners of Police to the Magistrates and Council; and for other Purposes relating to the Municipality of the said City.

Cap. XCVII. An Act to amend the Laws of England and Ireland affecting Trade and Commerce.

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

CAP. I.

An Act to regulate certain Offices of the House of Commons.—[28*th* February 1856.]

CAP. II.

An Act to amend the Acts relating to the Metropolitan Police.—[28*th* February 1856.]

CAP. III.

An Act to extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint

Stock Banks in Scotland existing before the Act of One thousand eight hundred and forty-six.—[*7th* March 1856.]

WHEREAS, under the Provisions of the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Seventy-five, (whereby the Act of the Seventh and Eighth Years of Her Majesty, Chapter One hundred and thirteen, was extended to Joint Stock Banks in *Scotland*,) Her Majesty, with the Advice of Her Privy Council, is empowered to grant Letters Patent of Incorporation to any Company of more than Six Persons who were carrying on the Business of Bankers in *Scotland* on or before the Ninth Day of *August* One thousand eight hundred and forty-five, upon the Terms and in manner in the said Acts mentioned or referred to, but only for a Term of Years not exceeding Twenty Years: And whereas it is expedient that Her Majesty should be empowered in certain Cases to grant such Letters Patent of Incorporation for a longer Period: Now be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extending Period for which Her Majesty may grant Letters Patent of Incorporation to certain Joint Stock Banks in Scotland.

I. That, notwithstanding anything in the said Acts contained, it shall be lawful for Her Majesty to grant Letters Patent of Incorporation under the said Acts to any Company of more than Six Persons in *Scotland* who were carrying on the Business of Bankers before the said Ninth Day of *August* One thousand eight hundred and forty-five, either for a Term of Years or in perpetuity, but so that the same shall be liable to be dealt with by or under the Provisions of any future Acts of Parliament in every respect as if this Act had not been passed.

CAP. IV.

Spent.

An Act to apply the Sum of One million six hundred and thirty-one thousand and Five Pounds One Shilling and Fivepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-six.—[*7th* March 1856.]

CAP. V.

An Act for funding Exchequer Bills and raising Money by way of Annuities.—[7*th* March 1856.]

Repealed by 33 & 34 Vict. c. 69.

CAP. VI.

An Act for raising Five Millions by way of Annuities.—[7*th* March 1856.]

Repealed by 33 & 34 Vict. c. 69.

CAP. VII.

An Act to apply the Sum of Twenty-six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-six.—[14*th* March 1856.]

Spent.

CAP. VIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[14*th* March 1856.]

Expired.

CAP. IX.

An Act to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land.—[14*th* March 1856.]

9 & 10 Vict. c. 101., 10 Vict. c. 11., 11 & 12 Vict. c. 119., 12 & 13 Vict. c. 100., 13 & 14 Vict. c. 31., 14 & 15 Vict. c. 91.

WHEREAS Acts authorizing and regulating the Advance of Money for the Improvement of Land were passed in the Sessions of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter One hundred and one, in the Tenth Year of Her Majesty, Chapter Eleven, in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and nineteen, in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, and in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-one: And whereas it is expedient that the Provisions of the said Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sections 8 and 17 of 9 & 10 Vict. c. 101. repealed.

If Commissioners think an Advance expedient, they may issue a Provisional Certificate, with the Sanction of the Treasury.

I. Sections Eight and Seventeen of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed, and the said Act shall be read as if the following Enactment had been therein inserted instead of the said Section Seventeen; that is to say, If the Commissioners shall think that an Advance in respect of the whole or of a proportional Part of the Cost of such Works would be expedient, they may apply to the Commissioners of the Treasury for their Sanction for them to issue to the Owner of Land by whom such Application shall have been made, or, in case his Interest shall have determined, to the Owner of such Land for the Time being, a Provisional Certificate, and such Provisional Certificate shall declare that upon its being shown to the Satisfaction of the Commissioners that the proposed Works have been executed according to the Plan and Specification annexed to the Report of the Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, in a substantial and durable Manner, the Commissioners will cause an Advance to be issued to an Amount not exceeding the Amount of the whole or of such proportional Part as in such Provisional Certificate shall be expressed of the Expenses which shall have been actually incurred in such Drainage, but limited not to exceed a certain Sum in such Provisional Certificate to be expressed: Provided always, that in case the Commissioners, upon the Investigation of such Application, shall be of opinion that the Amount and Permanence of the Improvement which will be effected by the proposed Drainage in the annual Value of the Land will be such that all or a Part of the Expenses of the Investigation of the Application, and of the Expenses of inspecting and ascertaining the due Execution of the Works, should be a Charge on the Land to which the Application shall relate, the Commissioners may by the Provisional Certificate direct that all or such Part as in such Provisional Certificate may be expressed of the Expenses of such Investigation, and of inspecting and ascertaining the due Execution of the Works, may be included in the Expenses in respect of which such Loan, and the Advances on account thereof, shall be made.

Expenses of Investigation may be charged upon the Land, if Commissioners shall think fit.

Expenses of Assistant Com-

II. The Allowances and Expenses to any Assistant Commissioner, Surveyor, Engineer or other Person employed under the Provisions of the first-recited Act or any other Acts for the Drainage and Improvement of Land may, if the Commissioners shall think fit, with the Consent of the Commissioners of the Treasury, be by way of Per-centage upon the Amount or Amounts in respect of which any such Assistant Commissioner, Surveyor, Engineer, or other Person employed as aforesaid may report to the Commissioners.

missioner and others may be by way of Per-centage.

III. Section Twenty-eight of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and Section Six of the said Act of the Tenth Year of Her Majesty, Chapter Eleven, shall be repealed; and when the Commissioners shall be satisfied by the Report of a Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, or otherwise, that the Works referred to in any such Provisional Certificate have been executed according to the Terms and Conditions of such Provisional Certificate, or that some Part thereof has been executed, which will, independently of the Part remaining unexecuted, be durable and effectual, and produce an Improvement in the yearly Value of the land exceeding the Amount of the yearly Charge which can be made in respect of an Advance, and shall be satisfied by such Report or otherwise that such Expense has been actually incurred as will justfy the Advance according to the Terms of the Provisional Certificate, the Commissioners shall issue a Certificate of Advance under their Seal, and such Certificate shall specify the Land in respect of which such Advance is to be made, and shall certify that such Sum as therein mentioned should be issued to the Person therein named in respect of the Drainage of such Land.

Section 28. of 9 & 10 Vict. c. 101. and Section 6. of 10 Vict. c. 11. repealed.

Commissioners, when satisfied of the Execution of the Works, may issue Certificate for an Advance under this Act.

IV. The Commissioners of the Treasury, upon the Application of the Commissioners, may from Time to Time direct the Comptroller of Her Majesty's Exchequer to give the necessary Issue to the Commissioners (whether by a Credit on the growing Produce of the Consolidated Fund or by Exchequer Bills) to enable them to make Advances under the said Acts; and the said Comptroller General is hereby required, upon the Receipt of such Direction, either to give a Credit on the Exchequer Funds at the Bank of *England* to the Commissioners, or to issue to them, or cause to be placed to their Account at the Bank of *England*, Exchequer Bills for the Amount specified in such Direction from the Treasury; and the said Commissioners shall upon such Exchequer Credits or the produce of the Sale of such Exchequer Bills give Warrants or Orders under their Seal to the Governor and Company of the Bank of *England* to pay from the "Drainage Advances and Repayments

Power to Treasury to direct Advances to be made.

ments Account," to the respective Parties named in such Warrants or Orders, the Sums specified therein.

Commencement of Rentcharge.

V. In case such Warrant or Order shall not be presented for Payment before the Sixth Day of *April* or the Tenth Day of *October*, whichever shall first respectively happen, next after the Date of such Warrant or Order, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order shall have been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to such Sixth Day of *April* or Tenth Day of *October* first happening as aforesaid; and where any Warrant or Order already issued has not been presented, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order has been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to the Sixth Day of *April* or the Tenth Day of *October* first happening after the passing of this Act.

Section 29. of 9 & 10 Vict. c. 101. repealed.

In case of Advances in respect of Lands in Scotland Commissioners to deliver Certificate to Owner of said Land.

VI. Section Twenty-nine of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed; and in the Case of Advances proposed to be made under this or the said recited Acts in respect of Lands in *Scotland*, the said Commissioners shall deliver the Certificate of Advance to the Owner of the said Lands or Party applying for such Advance; and the said Owner or Party shall thereafter cause the said Certificate to be duly registered in the General or Particular Register of Sasines, and shall thereafter return the same to the said Commissioners, with an Endorsement thereon by the Keeper of the said Register, which the said Keeper is hereby authorized and required to grant, certifying that the same has been duly registered.

Certificates of Advance to be deposited.

VII. All Certificates of Advance issued by the Commissioners shall be retained by them, and deposited with the Records of their Office.

Upon Apportionment, Part of Lands may be freed from Rentcharge.

VIII. Upon any Apportionment of Rentcharge it shall be lawful for the Commissioners, if they shall see fit, to apportion such Rentcharge upon Parts only of the Land comprised in the Certificates of Advance to the Exclusion of the other Lands comprised therein, and such Lands so excluded shall after such Order of Apportionment be absolutely exonerated and discharged from the Payment of any Part of such apportioned Rentcharges.

Part of Sect. 2. of 10 Vict. c. 11. repealed.

IX. So much of the Second Section of the Tenth Year of Her Majesty, Chapter Eleven, as relates to an Advance, shall be repealed; and it shall be lawful for the Commissioners to issue an Advance in respect of any Works, notwithstanding Deviations therein from the proposed Manner of effecting the Drainage, if such Deviation shall appear to the Commissioners to be expedient, and productive of Improvement as permanent and of as great yearly Amount as the Manner at first proposed.

Commissioners may issue and advance notwithstanding Deviation.

X. The Commissioners to issue and deliver Certificates of Redemption under the Forty-fifth Section of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and to declare that the Rentcharge shall continue a Charge upon the Land, under the Thirtieth Section of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, shall be the Board of Inland Revenue, and the Powers and Authorities vested in Commissioners under such Sections shall be executed by such Board.

Construction of "Commissioners."

XI. Where the "Owner of Land" shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, without having any Guardian, Tutor, Curator, Trustee, Committee of the Estate, Husband, or Attorney, it shall be lawful for the Commissioners, by an Order under their Hands and Seal, to appoint any Person approved of by them as the Substitute for such Owner, for all the Purposes of the said recited Acts and of this Act.

Power for Commissioners to appoint, in certain Cases, a Substitute for Owner.

XII. The Provisions of this Act relative to the Issue of Certificates of Advance, and other Provisions consequent thereon, shall apply to all Certificates to be hereafter issued by the Commissioners, whether the Provisional Certificates bear Date prior to or subsequent to the passing of this Act.

Act to apply to all Cases, whatever Date of Provisional Certificates.

XIII. The said recited Acts and this Act shall be read and construed together as One Act.

Acts to be read together.

XIV. In citing this Act and the said recited Acts, or any of them, except the said Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "The Public Money Drainage Acts," and such Expression shall be held to refer to and include so much of the said Act of the Twelfth and Thirteenth Years of Her Majesty as amends the said Acts of the Ninth and Tenth and Tenth Years of Her Majesty, otherwise than in relation only to the Advance of private Money for Drainage.

Short Titles.

CAP. X.

CAP. X.

Expired.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.—[14*th* March 1856.]

CAP. XI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[11*th* April 1856.]

CAP. XII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[11*th* April 1856.] (England.)

CAP. XIII.

An Act to make Provision for the Management of certain Lands belonging to Her Majesty within the former Limits of the late Forest of Delamere *in the County of* Chester.—[11*th* April 1856.]

CAP. XIV.

An Act to abolish the Office of Secretary to the Poor Law Commissioners in Ireland.—[11*th* April 1856.]

CAP. XV.

CAP. XV.

An Act for further regulating the Payment of the Out-Pensioners of Greenwich *and* Chelsea *Hospitals.*—[11*th* April 1856.]

9 Vict. c. 10.

WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for regulating the Payment of the Out-Pensioners of* Greenwich *and* Chelsea *Hospitals:* And whereas it is expedient to make further Regulations in respect of such Payment: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,—

Recited Act repealed, except, &c.

I. That the said-recited Act shall be and the same is hereby repealed, except so far as the same repeals any other Acts or Parts of Acts.

Secretary-at-War to regulate Payment of Out-Pensioners.

II. From and after the passing of this Act it shall be lawful for the Secretary-at-War for the Time being to make such Rules and Regulations for the Management and Payment of the *Chelsea* and *Greenwich* Out-Pensioners, whether residing in the United Kingdom or elsewhere, as shall appear to him best calculated for their and the Public Advantage, and upon the Production of such Proof of Title to Pension as he may consider necessary.

Accounts to be audited as Army Effective Services.

III. From and after the passing of this Act all Payments made by the said Secretary-at-War to or on account of the Pensioners aforesaid, and the Expenses of every Description connected with their Management and Payment, shall be audited and passed in the same manner as the Accounts of the Army Effective Services are now audited and passed.

Nothing to interfere with Powers of the Admiralty and Chelsea Hospital as to granting, &c. of Pensions, &c.

IV. Nothing in this Act contained shall be held to interfere with the Powers of the Lord High Admiral or the Lords Commissioners of the Admiralty and the Commissioners of *Chelsea Hospital* respectively, in regard to granting, increasing, reducing, suspending, taking away, or restoring of Pension, or to abridge, take away, or interfere with any Power, Authority, or Duty of the said Lord High Admiral or Commissioners respectively, other than by this Act is expressly provided.

Penalty for Frauds respecting Pensions.

V. Any Person guilty of fraudulently receiving or endeavouring to receive Pension Money, or Money in the Nature of

Pension, from the Secretary-at-War, or from any Officer or Person employed or authorized to pay Pensions, shall upon Conviction be subjected to the same Pains and Penalties as are prescribed by Law in the Cases of Frauds committed or attempted to be committed upon the Commissioners of *Chelsea Hospital*, the Lord High Admiral or the Commissioners of the Admiralty, the Treasurer of the Navy, and the Paymaster General.

Power to restore Pensions to Greenwich Pensioners convicted of Felony.

VI. It shall be lawful for the Secretary-at-War, with the Concurrence of the Lord High Admiral or the Lords Commissioners of the Admiralty, to restore any *Greenwich* Pensioner who shall have been convicted of Felony and thereby shall have forfeited his Pension, either to his original Pension or to any less Rate of Pension.

Pensions may be paid to the Wives and Children of Pensioners out of the United Kingdom.

VII. It shall be lawful for the Secretary-at-War, with the Consent of any *Greenwich* or *Chelsea* Pensioner residing temporarily out of the United Kingdom, to pay to or for the Benefit of his Wife, or, if he have no Wife, to or for the Benefit of his Child or Children, such Portion of His Pension as may be agreed upon; and the Receipt or Acknowledgment of the Person or Persons to whom the same shall be paid shall be a full and sufficient Discharge to the said Secretary-at-War for the Amount so issued by him.

Repayment to Parishes of Relief given to Out-Pensioners.

VIII. If any *Chelsea* or *Greenwich* Pensioner shall be relieved, or become chargeable in *Great Britain* or *Ireland* in respect of Relief afforded to himself, or to any Person whom he is liable to maintain, or if in any Case the Secretary-at-War for the Time being and the Guardians of the Poor of any Union or Parish, or the Overseers of any Parish or Township not under a Board of Guardians, or the Heritors and Kirk Session of any Parish in *Scotland*, think it desirable that the whole or any Part of the Pension of such Pensioner should be advanced out of the Poor's Rate or Funds applicable to the Relief of the Poor, it shall be lawful for the Secretary-at-War, by any Writing under his Hand or under the Hand of any Officer or Person employed by him, to agree with such Guardians or Overseers, or Heritors and Kirk Session, for the Repayment to them out of the Pension of any such Pensioner of the Amount of Relief so advanced to or expended on his Account, not exceeding in any Case where Relief has been administered to His Wife or One Child only whom he is bound to maintain the Amount of One Half, or where such Relief has been administered to Two or more such Children, or to His Wife and One or more such Child or Children, the Amount of Two Thirds, of his Pension so advanced.

IX. In case any *Chelsea* or *Greenwich* Pensioner shall be

or

As to Care of Lunatic Pensioners.

or become insane, it shall be lawful for the Secretary-at-War for the Time being, upon being satisfied of such Insanity, to order that the Pension of such Insane Pensioner, or so much thereof as shall appear to the said Secretary-at-War to be necessary for his Care and Maintenance, shall be paid to such Guardians of the Poor or Overseers, or Heritors and Kirk Session, or to the Wife, Child, or any other Person to whom the Care of such Insane Pensioner may be intrusted, or who may be chargeable for or liable to the Expense of his Care and Maintenance; and the Receipt of the Person or Persons to whom the same shall be so paid shall be a sufficient Voucher and Discharge for so much Money as shall appear to have been paid thereon: Provided always, that where no Claim or Demand shall be made for the Support of any such Insane Pensioner, or where the Charge for his Care and Maintenance does not amount to the full Rate of his Pension, then and in every such Case it shall be lawful for the Secretary-at-War, at his Discretion, to order his Pension, or so much thereof as may not be necessary for his Care and Maintenance as aforesaid, to be paid to his Wife or Child or Children, if he have any.

Arrears of Pensions under 50*l.* may be paid to Personal Representatives without Probate or Letters of Administration.

X. It shall be lawful for the Secretary-at-War for the Time being to pay or to authorize the proper Officer to pay to any Person or Persons who shall prove him, her, or themselves, to the satisfaction of such Secretary-at-War or of the said proper Officer, to be the next of Kin or legal Representative of or otherwise legally entitled to any Pension Money due to any deceased Pensioner, the Amount of such Pension Money, not exceeding Fifty Pounds, although such Person or Persons shall not have taken out Letters of Administration or have procured Probate of any Will of such deceased Pensioner.

As to Bills of Exchange drawn by Consuls, &c. on account of Pensions.

XI. All Bills of Exchange drawn or to be drawn by *British* Ministers, Consuls, and others abroad, on account of Payments made by them to Out-Pensioners of *Chelsea* or *Greenwich* Hospital, shall be presented for Acceptance at the Office of the Paymaster-General, and all Letters of Advice, Receipts, and Vouchers having relation to such Bills of Exchange shall be transmitted to the Office of the Secretary-at-War.

CAP. XVI.

An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court.—[11*th* April 1856.] (England and Wales.)

CAP. XVII.

CAP. XVII.

An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor.—[29*th* April 1856.]

CAP. XVIII.

An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.—[29*th* April 1856.]

CAP. XIX.

Spent.

An Act for raising the Sum of Twenty-one million one hundred and eighty-two thousand seven hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and fifty-six.—[29*th* April 1856.]

CAP. XX.

An Act to continue certain Compositions payable to Bankers who have ceased to issue Bank Notes.—[5*th* June 1856.] (England.)

CAP. XXI.

Repealed by 33 & 34 Vict. c. 69.

An Act for raising the further Sum of Five Millions by way of Annuities.—[5*th* June 1856.]

CAP. XXII.

CAP. XXII.

An Act to amend the Laws relating to the Duties on Fire Insurances.—[*5th* June 1856.]

Repealed by 33 & 34 Vict. c. 99.

CAP. XXIII.

An Act for granting certain additional Powers and Authorities to the Canada *Company.*—[*23d* June 1856.]

CAP. XXIV.

An Act for enabling the Commissioners of Public Works in Ireland *to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts.*—[*23d* June 1856.]

CAP. XXV.

An Act to amend the Law relating to Drafts on Bankers.—[*23d* June 1856.]

WHEREAS Doubts have arisen as to the Obligations of Bankers with respect to cross-written Drafts: And whereas it would conduce to the Ease of Commerce, the Security of Property, and the Prevention of Crime, if Drawers or Holders of Drafts on Bankers payable to Bearer or to Order on Demand were enabled effectually to direct the Payment of the same to be made only to or through some Banker: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Draft crossed with Banker's Name, &c. to be payable only to or

I. In every Case where a Draft on any Banker made payable to Bearer or to Order on Demand bears across its Face an Addition, in written or stamped Letters, of the Name of any Banker, or of the Words "and Company," in full or abbreviated, either of such Additions shall have the Force of a Direction through some Banker. Direction to the Bankers upon whom such Draft is made that the same is to be paid only to or through some Banker, and the same shall be payable only to or through some Banker.

Construction. II. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock or other Company, acting as a Banker or Bankers.

CAP. XXVI.

An Act to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, *to the Districts of* Waterloo with Seaforth, West Ham, Sowerby Bridge, *and* Moss-side: *for Alteration of the Boundaries of the Districts of* Rusholme *and* Bishop-Auckland; *and for other Purposes.*—[23*d* June 1856.]

CAP. XXVII.

An Act to amend the Acts relating to Pawnbrokers.—[23*d* June 1856.]

25 G. 3. c. 48. WHEREAS under and by virtue of an Act passed in the Twenty-fifth Year of the Reign of King *George* the Third, Chapter Forty-eight, all Persons using or exercising the Trade or Business of a Pawnbroker in *Great Britain* are required to take out a Licence annually for that Purpose in the Manner prescribed by the said Act, under the Penalty of Fifty Pounds for any Neglect in that Behalf; and such 55 G. 3. c. 184. Licences are chargeable with certain Stamp Duties granted and imposed thereon by an Act passed in the Fifty-fifth Year of the said King's Reign, Chapter One hundred and eighty-four: 39 & 40 G. 3. c. 99. And whereas an Act was passed in the Thirty-ninth and Fortieth Years of the said King's Reign, Chapter Ninety-nine, for better regulating the Business of Pawnbrokers: And whereas Attempts are made to evade the Provisions of the said Acts by Persons who receive Goods and Chattels into their Possession, and advance Money thereon, under the Pretence that the Transaction is a Sale and Purchase of such

Goods and Chattels, and not a receiving or taking of the same by way of Pawn or Pledge; and it is expedient to amend the said Acts with a view to prevent such Evasions and the Mischiefs arising therefrom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons herein described deemed to be Pawnbrokers.

I. The following shall be deemed to be Persons using and exercising the Trade and Business of a Pawnbroker within the Meaning of the several Acts aforesaid, and subject and liable to all the Provisions and Regulations thereof in relation to Pawnbrokers, as well as the Persons who by or under the said Acts or any of them are declared or deemed to be Persons using or exercising the said Trade or Business; (that is to say,) every Person who shall keep a House, Shop, or other Place for the Purchase or Sale of Goods or Chattels, or for taking in Goods or Chattels by way of Security for money advanced thereon, and shall purchase or receive or take in any Goods or Chattels, and pay or advance or lend thereon any Sum of Money not exceeding Ten Pounds, with or under any Agreement or Understanding, express or implied, or which from the Nature or Character of the Dealing may reasonably be inferred, that such Goods or Chattels may be afterwards redeemed or re-purchased on any Terms whatever.

Penalty on Persons declared or deemed to be Pawnbrokers not taking out proper Licences.

Penalties recoverable by summary Information.

II. If any Person by or under this Act or the several Acts aforesaid or any of them declared or deemed to be a Person using and exercising the Trade or Business of a Pawnbroker shall neglect or omit to take out the proper Licence in that Behalf he shall forfeit the Sum of Fifty Pounds, which shall be recoverable by Information before any Justice of the Peace in the Name of an Officer of Inland Revenue prosecuting for the same on behalf of Her Majesty; and in every Information or other Proceeding for the Recovery of such Penalty it shall be a sufficient Description of the Offence to charge that the Defendant did use and exercise the Trade and Business of a Pawnbroker without taking out a proper Licence in that Behalf; and upon the Conviction of such Defendant the like Proceedings shall be had for the levying of the Penalty or for the recording of such Conviction, and for the Appeal of the Defendant if he shall feel himself aggrieved thereby, as are provided by Law, and may be adopted with regard to any Penalty incurred under the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third: Provided always, that it shall be lawful for the Justice before whom any such Defendant shall be convicted to mitigate or lessen the said Penalty, if he shall think fit, to any

Power to Justices to mitigate Penalties.

any Sum not less than One Fourth thereof; provided also, that any Proceeding authorized or directed by the said recited Acts or this Act to take place before a Justice of the Peace may, in *Scotland*, take place before the Sheriff of the County in which the Proceeding is instituted, or his Substitute; but no Appeal shall lie from the Judgment of any Sheriff to the Quarter Sessions of the Peace, nor shall any other Appeal lie, save from the Judgment of the Sheriff Substitute to the Sheriff, whose Decision shall in all Cases be final, and not subject to Review.

CAP. XXVIII.

Repealed by 24 & 25 Vict. c. 132. s. 29.

An Act to make further Provision for rendering Reformatory and Industrial Schools in Scotland *more available for the Benefit of Vagrant Children.*—[23*d* June 1856.]

CAP. XXIX.

An Act to extend the Powers of the Trustees and Director of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public.—[23*d* June 1856.]

CAP. XXX.

An Act to settle an Annuity on Sir William Fenwick Williams, *in consideration of his eminent Services.*—[23*d* June 1856.]

CAP. XXXI.

An Act to amend the Act of the Seventeenth and Eighteenth Years of Her Majesty, concerning the University of Oxford *and the College of* St Mary Winchester.—[23*d* June 1856.]

CAP. XXXII.

An Act to amend the Whichwood *Disafforesting Act,* 1853.—[23*d* June 1856.]

CAP. XXXIII.

CAP. XXXIII.

An Act to continue the Act for Extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.—[30*th* June 1856.]

Expired.

CAP. XXXIV.

An Act to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters.—[30*th* June 1856.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, certain Duties of Excise on Malt, and certain Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, were granted and made payable respectively in lieu of all other Duties, Allowances, and Drawbacks of Excise on Malt payable under any Act or Acts in force, to continue and be charged and paid during the then present War, and until and upon the Fifth Day of *July* next after the Ratification of a Definitive Treaty of Peace, and no longer; and it was by the said Act provided, that upon the ceasing of the said Duties on the Event and at the Time aforesaid the Duties of Excise on Malt, and the several Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, granted or payable respectively under the several Acts in force in that Behalf immediately before the passing of the said Act, should revive, and be charged and allowed respectively in lieu of the Duties, Allowances, and Drawbacks by the said recited Act granted upon or in respect of Malt: And whereas a Definitive Treaty of Peace has been recently signed and ratified, and by reason thereof the said Duties granted by the said recited Act on Malt will cease immediately after the Fifth Day of *July* One thousand eight hundred and fifty-six; and it is expedient to grant an Allowance on the Stock of Malt which will then be in the possession

17 & 18 Vict. c. 27.

sion of the Malt Traders herein-after mentioned in respect of the Duties paid or charged thereon under the said recited Act in Excess of the Duties which will be payable on Malt after the said Fifth Day of *July* One thousand eight hundred and fifty-six; and it is also expedient to alter and regulate the Allowances and Drawbacks of Excise on Malt which will revive and become payable after the said last-mentioned Day: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to the Term "Malt Trader."

I. The Term "Malt Trader" used in this Act shall be deemed to mean and include every Maltster or Maker of Malt for Sale, and every Dealer in or Seller or Retailer of Malt, and every Roaster of Malt, licensed Brewer, and Vinegar Maker.

As to Allowances granted to Malt Traders on Malt in Stock.

II. There shall be paid or allowed to every Malt Trader for all dry unground Malt produced to and taken account of by the proper Officer of Excise, and the Quantity thereof ascertained in manner herein-after mentioned, between the Third and Fifth Days of *July* One thousand eight hundred and fifty-six, both Days inclusive, as the Stock and in the Custody and Possession of such Malt Trader, and for which the Duties under the said recited Act shall have been paid or charged, the several Allowances and Sums of Money following; (that is to say,)

For every Bushel of such Malt made in *England* from Barley or any other Corn or Grain, One Shilling and Threepence Halfpenny:

For every Bushel of such Malt made in *Scotland* or *Ireland* from Barley or any other Corn or Grain, except Bear or Bigg, One Shilling and Threepence Halfpenny:

And for every Bushel of such Malt made in *Scotland* or *Ireland* from Bear or Bigg only, without any Mixture of Barley or any other Corn or Grain therewith, One Shilling.

Deduction to be made from Brown or Black Malt for the Swell thereof, and from all unscreened Malt.

III. Provided always, That from the Quantity ascertained by Gauge or Measurement of all Brown or Porter Malt and roasted or Black Malt there shall be deducted Twenty per Cent. for the Swell and Increase thereof over the Quantity of such Malt charged with Duty, but if such Malt shall be screened and cleaned it shall be lawful for the Commissioners of Inland Revenue to make such less Rate of Deduction as shall appear to them to be reasonable and just in consideration of the Combing and Dust taken out by such Screening, and from all other unscreened Malt there shall be deducted Seven and a Half *per Cent.*, and the said Allowance by this Act granted shall be computed and paid or allowed only on the remaining Quantity of such Malt after making such Deductions respectively as aforesaid.

Regulations to be observed by Malt Trader on claiming Allowance.

IV. All Malt in respect of which any such Allowance as aforesaid shall be claimed shall be previously completely dried and finished, and every Malt Trader who shall claim to be entitled to any such Allowance shall give Notice in Writing to the proper Officer of Excise Two Days previously to the Third Day of *July* One thousand eight hundred and fifty-six of his Name and Place of Abode, and the Description of Business carried on by him as a Malt Trader, and also of the particular House or Place where any such Malt in respect of which he intends to claim any such Allowance shall be kept or deposited, and whether such Malt is screened or unscreened; and he shall also before the said Third Day of *July* One thousand eight hundred and fifty-six place all such Malt in such Form as shall enable the Officer of Excise conveniently to gauge the same and ascertain the Quantity thereof; but in case any Corn or Grain which shall be in operation for the making thereof into Malt at any time between the said Third and Fifth Days of *July* One thousand eight hundred and fifty-six inclusively shall be actually made into Malt, dried and finished before the Time when the Officer of Excise shall first take an Account of the dry unground Malt in the Stock of such Malt Trader, then and in such Case such Malt Trader shall be entitled to claim such Allowance as aforesaid in respect of such Malt upon giving previous Notice in Writing to the proper Officer of Excise by the space of Twelve Hours of his Intention to make such Claim, specifying the Quantity of such Malt, and the Place where the same shall be deposited, and whether such Malt is screened or unscreened, and such Malt Trader shall place and keep all such Malt separate and apart from all other Malt, and in such Form as shall enable the Officer conveniently to gauge the same and take an Account thereof; and if any Malt Trader shall neglect or fail in any respect to comply with the Regulations or Directions in this Act contained or authorized to be made or given, or shall do anything contrary thereto, he shall not have or be entitled to any Allowance in respect of any Malt in his Stock, Custody, or Possession: Provided always, that if from any inevitable Accident or unforeseen Circumstance any Malt Trader shall be prevented from receiving into his Stock before the said Third Day of *July* One thousand eight hundred and fifty-six, and in Time to enable him to comply with the Regulations herein-before contained, any Malt which shall have been delivered to any Common Carrier to be conveyed to such Malt Trader for the Space of Seven Days previously to the said last-mentioned Day, it shall be lawful for the Commissioners of Inland Revenue, upon Proof of the Facts to their Satisfaction, and upon being satisfied that no Fraud has been committed or intended with regard to such Malt, to grant to such Malt Trader the proper Allowance in respect thereof, under and subject to such Regulations and Directions as they shall think proper to make or give in that Behalf.

Position of Malt not to be altered or removed until an Account be taken of the Quantity.

V. After any Malt in respect of which any such Allowance may be claimed shall have been placed in such Form as is directed by this Act, no Malt Trader shall on any Pretence whatever alter the position thereof, or remove or send away such Malt or any Part thereof from the House or Place in which the same shall have been gauged until after the Fifth Day of *July* One thousand eight hundred and fifty-six, and after the Officer shall have gauged or measured the same and taken his Account thereof, upon pain of forfeiting the Sum of Two hundred Pounds for any Breach of the Prohibition in this Clause contained.

Brewer may make use of Malt on giving Notice and the Officer taking an Account thereof.

VI. Provided always, That if any licensed Brewer shall be desirous of making use of any such Malt after the same shall have been placed in such Form as aforesaid, and shall give to the proper Officer of Excise previous Notice in Writing by the Space of Twenty-four Hours of his Intention to make use of any such Malt, so that the Officer may attend and take an Account thereof, specifying in such Notice the Quantity so intended to be used, such Licensed Brewer shall be at liberty to make use of such Quantity of his Malt in respect of which he shall claim any such Allowance without being liable to any Penalty or Forfeiture in that respect, so as the Residue of such Malt shall be left unaltered and in such Form and Position as to enable the Officer to gauge the same and ascertain the Quantity thereof in the Manner herein-before directed.

Officer may enter Premises to examine and take Account of Malt on which Allowance is claimed.

VII. It shall be lawful for any and every Officer of Excise at his free Will and Pleasure at any Time or Times in the Daytime, between the Third and Fifth Days of *July* One thousand eight hundred and fifty-six inclusively, or at any Time during the Space of Three Days after the Officer shall have first gauged and taken his Account of any such Malt, to enter and go into every House or other Place where any such Malt in respect of which any such Allowance shall be claimed shall be put or deposited, and to inspect and examine such Malt, and take a true and particular Account, and ascertain the exact Quantity thereof by Gauge or Measurement; and if any person shall prevent, obstruct, or hinder any Officer of Excise from entering or going into any such House or other Place, or from inspecting or examining such Malt, or taking such Account, or ascertaining the

Penalty for obstructing Officer in taking Account,

&c., or for committing Fraud with regard to Malt on which Allowance is claimed.

the Quantity thereof as aforesaid, or in the Execution of any of the Powers or Authorities to such Officer given by or under this Act, or if any Person shall mix or lay under, with, or amongst any such Malt, any Barley, or undried Malt, or any unmalted Corn or Grain, or any Maltdust or Combings or other Thing, with Intent to increase the Quantity or apparent Quantity of such dried unground Malt, or if any Person shall bring or receive into, or put or place with his Stock, any Malt which has been before taken an Account of under this Act, or any Malt of or belonging to any Person not being a Malt Trader within the Meaning of this Act, or if any Person shall make use of or practise, or cause to be made use of or practised, any Art, Contrivance, or Device whatever whereby any Officer of Excise may be obstruced in gauging, taking an Account of, or ascertaining the true Quantity of such dried unground Malt, or may be deceived therein, or whereby Her Majesty may be defrauded, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of Two hundred Pounds; and all Malt which shall be found by any Officer of Excise so mixed as aforesaid, or under, with, or amongst which any Barley, or undried Malt, or unmalted Corn or Grain, or any Maltdust or Combings or other Thing, is found to be laid or placed, with Intent to Increase the Quantity or apparent Quantity of Malt dried and unground, or by which Her Majesty may be defrauded, and all Malt which shall be brought or received by any Malt Trader into or put or placed with his Stock, such Malt having been before taken an Account of under this Act, or not belonging to some Malt Trader, shall be forfeited, and may be seized by any Officer of Excise.

Forfeiture of Malt fraudulently mixed.

Malt Trader to assist Excise Officer to enable him to examine and take Account of Malt on which Allowance is claimed.

VIII. Every Malt Trader who shall claim any Allowance under this Act in respect of Malt in his Stock, Custody, or Possession shall with his Servants and Workmen, whenever thereto required by any Officer of Excise, aid and assist such Officer in such Manner as he shall require for the better enabling him to examine, gauge, or measure, and take an Account of all or any such Malt, upon pain of forfeiting the Sum of Two hundred Pounds for any Neglect or Refusal to aid and assist such Officer in manner aforesaid.

Certificate of the Quantity of Malt, and Amount of Allowance to be given to

IX. When and so soon as such Account shall have been finally taken of the Malt belonging to any Malt Trader, and the Quantity thereof ascertained as aforesaid, the proper Officer of Excise in that Behalf shall with all convenient Speed give to the Malt Trader entitled to the Allowance in respect of such Malt a Certificate expressing the true Quantity of the Malt for which he shall be entitled to such Allowance, and the Amount of such Allowance, and specifying the Name

and

the Malt Trader.

and Place of Abode of the Person entitled thereto, and the Description of Business carried on by him as such Malt Trader.

On Production of Certificate to the proper Collector, and Declaration made as to certain Particulars, the Sum specified in the Certificate to be paid in manner herein mentioned.

X. On the Production of such Certificate by such Malt Trader or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Malt Trader before a Justice of the Peace or such Collector that such Malt Trader believes that all the proper Duties of Excise have been paid or charged for or in respect of the whole Quantity of the Malt specified in such Certificate, and that the said Malt, or any Part thereof, hath not been taken account of for the Purpose of obtaining such Allowance more than once, or in any Place save and except in the Stock, Custody, or Possession of the Person making the said Declaration and claiming the Allowance in respect of such Malt, and that the whole quantity of the said Malt of the respective Kinds mentioned in such Certificate was at the time therein specified in his Custody and Possession, and was the sole Property of the said Person, or was held by him as the Property of and for the Use of some other Malt Trader, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of such Malt or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, such Collector as aforesaid being satisfied of the Truth of such Declaration shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the Malt Trader entitled to the same, or to his Agent, the Sum of Money specified in such Certificate, by Four equal Instalments, on the usual sitting Days, commencing on the Twenty-fifth Day of *August*, the Thirteenth Day of *October*, and the Twenty-fourth Day of *November* in the Year One thousand eight hundred and fifty-six, and the Twelfth Day of *January* One thousand eight hundred and fifty-seven: Provided always, that the Sum of Money specified in such Certificate as aforesaid may be deducted by such Instalments as aforesaid from any Duties of Excise which may be due and payable by the Malt Trader entitled to the said Sum of Money at the several Times herein-before appointed for Payment of the said Instalments.

Penalty for forging Certificate or uttering a forged or false Certificate.

XI. If any Person shall forge or counterfeit or cause to be forged or counterfeited any Certificate by this Act required or directed, or shall knowingly or willingly give any false or untrue Certificate, or shall alter or erase or cause to be altered or erased any such Certificate granted by any Officer of Excise, or shall make use of or in any Manner utter any such Certificate knowing the same to be forged, counterfeited, false, untrue, altered, or erased, or if any Person shall knowingly or wilfully make any false Declaration in relation to any such Certificate or any of the Matters therein expressed or contained, every Person so offending shall for every such Offence forfeit the Sum of Five hundred Pounds.

Malt in operation to be charged only with the Rate of Duty payable after 5th July 1856.

XII. All Corn or Grain in operation for the making thereof into Malt by any Maltster or Maker of Malt for Sale at the Time when the Officer of Excise shall take an Account of the dry unground Malt in the Stock, Custody, or Possession of such Maltster or Maker of Malt under or by virtue of this Act, shall be chargeable only with such Rate of the Duties of Excise as will be payable in respect of Malt of the like Description made after the Fifth Day of *July* One thousand eight hundred and fifty-six, provided such Corn or Grain which shall be actually dried, finished, and made into Malt by such Maltster or Maker of Malt after such Officer shall have taken such Account as aforesaid, and before the Sixth Day of *July* One thousand eight hundred and fifty-six, shall be kept separate and apart from all other Corn, Grain, or Malt until the said last-mentioned Day, and that it be produced to the sight of the proper Officer of Excise in order that he may take an Account, and ascertain the true Quantity thereof, if he shall think fit so to do, at any Time on or before the said last-mentioned Day, and that no Allowance be claimed or made by virtue of this Act in respect thereof.

Malt Traders having contracted for the sale of Malt to abate from the Price and allow to the Purchaser the Amount of Allowance or Remission of Duty obtained in respect of such Malt.

XIII. And whereas Malt Traders may have made Sales or Deliveries, or Contracts or Agreements for the Sale or Delivery, of Malt as Malt in respect of which the Rates of the Duties of Excise chargeable before the Sixth Day of *July* One thousand eight hundred and fifty-six were paid or charged, but for which, as Part of the Stock of such Malt Traders, the Allowance under this Act may be made thereon, or such Malt may be charged only with the reduced Rate of Duty on Malt payable after the Fifth Day of *July* One thousand eight hundred and fifty-six, and it is reasonable that Provision should be made for the Relief of the Buyers of such Malt so far as the Amount of the Duty hereby allowed or remitted formed a Part of the Price of the Malt so sold or delivered, or for which such Contracts or Agreements have been made: Be it therefore enacted, That every Malt Trader who shall have sold or delivered, or contracted or agreed to sell or deliver, any Malt in respect of which any Allowance or Remission of Duty is granted by or under this Act, and which Malt was so sold or delivered or contracted or agreed for as Malt which had paid or been charged with the full Duties of Excise on Malt payable before the Sixth Day of *July* One thousand eight hundred and fifty-six, shall abate and deduct, and if the Purchase Money has been paid shall refund and return to the Buyer of such Malt, from the Price for which such Malt was so sold or delivered, or contracted or agreed for, the whole of the Allowance or Remission of Duty granted by this Act, and received by or remitted to the Seller of such Malt in respect thereof, and shall stand and be possessed of the Amount of such Allowance or Remission of Duty as Money had and received to the Use of the Buyer of such Malt; and no Action or Suit at Law or in Equity shall be brought or be maintainable against the Buyer of any such Malt by any Malt Trader, being the Seller thereof, for so much of the Price of such Malt as shall be equal to the Amount of the Allowance or Remission of Duty granted by this Act, and so received by or remitted to such Seller; and all Proceedings brought or instituted for the Recovery thereof shall be null and void to all Intents and Purposes whatsoever.

Excise Duty on Sugar used in brewing Beer to cease after 5th July 1856, and to be reimposed after 5th April 1858.

XIV. And whereas by an Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty-two, a Duty of Excise at the Rate of Three Shillings and Ninepence *per* Hundredweight was granted and imposed upon Sugar used in the brewing or making of Beer, such Rate of Duty, together with the Duties of Customs on Sugar, being deemed to be an Equivalent for the increased Rate of Duty of Excise granted by the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign on the Malt for which such Sugar might be substituted in the brewing or making of Beer, and which said increased Rate of Duty on Malt will cease and determine after the Fifth Day of *July* One thousand eight hundred and fifty-six: Be it therefore enacted, That from and after the Fifth Day of *July* One thousand eight hundred and fifty-six, the said Duty of Excise granted and imposed by the said last-mentioned Act on Sugar used in the brewing or making of Beer shall also cease and determine until the Fifth Day of *April* One thousand eight hundred and fifty-eight; and inasmuch as the Duties of Customs on Sugar will then cease to be an Equivalent for the Duty on Malt when such Sugar is used in the brewing or making of Beer, there shall be charged and paid on all Sugar so used after the said last-mentioned Day a Duty of Excise at the Rate of Two Shillings *per* Hundredweight over and above all other Duties of Excise or Customs.

As to Drawbacks on Exportation of Beer after 5th July

XV. And as to the Drawback upon the Exportation of Beer to Foreign Parts, be it enacted, That notwithstanding anything contained in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's reign, the Rates of Drawback by the said Act granted, and specified and set forth in Schedule (B.) thereof, 1856, and before 6th January 1858.

thereof, on Beer exported from any Part of the United Kingdom to Foreign Parts as Merchandise, shall continue to be allowed and paid in lieu of all other drawbacks on such Beer in respect of all Beer brewed between the Eighth Day of *May* One thousand eight hundred and fifty-four and the Sixth Day of *July* One thousand eight hundred and fifty-six, and which shall be duly exported as aforesaid at any Time before the Sixth Day of *January* One thousand eight hundred and fifty-eight; and in respect of all Beer brewed at any other Time than as aforesaid, whensoever the same shall be so exported; and in respect of all Beer which shall be so exported at any Time after the Fifth Day of *January* One thousand eight hundred and fifty-eight, whensoever the same may have been brewed, the following Rates of Drawback shall be allowed and paid in lieu of all other Drawbacks on such Beer; (that is to say,)

As to Drawbacks on Exportation of Beer after 5th January 1858.

For and upon every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity, of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, in the Brewing of which Beer the Worts used before Fermentation were of the Specific Gravity herein-after mentioned, the following rates of Drawback; (that is to say,)

If the Specific Gravity of the Worts was not less than—

	Drawback per Barrel.		
	L.	*s.*	*d.*
1041° - - - -	0	4	1
1054° - - - -	0	5	5
1068° - - - -	0	6	9
1081° - - - -	0	8	1
1095° - - - -	0	9	6
1108° - - - -	0	10	10
1122° - - - -	0	12	2

Mode of determining the original Specific Gravity of Worts from which Beer entered for Exportation was made.

XVI. Upon the Entry for Exportation of any Beer on which Drawback shall be claimed, the Specific Gravity of the Worts from which such Beer was made shall be ascertained and determined in the following Manner; (that is to say,) a definite Quantity by Measure of such Beer shall be distilled, and the Distillate and the Spent Beer respectively shall be made up with distilled Water each of them to the original Measure of the Beer before Distillation, and the Specific Gravities thereof respectively shall be then ascertained, and the Number of Degrees and Parts of a Degree of Specific Gravity by which such Distillate shall be less than the Specific Gravity of distilled Water shall be deemed to be the Degree of Spirit Indication of such Distillate, and the actual Specific Gravity of such Spent Beer added to the Degrees of original Gravity set forth in the Table contained in the Schedule annexed to this Act opposite to the Degree of Spirit Indication of the Distillate contained in the same Table shall be deemed to be the original Specific Gravity of the Worts from which such Beer was made before Fermentation; and for the Purposes aforesaid all the Weighings and Measurings that may be necessary to be made of the respective Liquids shall be made when the same are at the Temperature of Sixty Degrees of *Fahrenheit's* Thermometer, and at that Temperature distilled Water shall be considered as One thousand.

Allowances or Drawbacks in respect of Malt used in the distilling of Spirits not to be deemed to be revived.

XVII. And whereas an Act was passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Ninety-four, to allow Malt to be used Duty-free in the distilling of Spirits, and by the Fourth Section of the same Act all Allowances and Drawbacks of Excise granted by any former Act in respect of the Malt used in the making of Spirits were made to cease and determine: Be it enacted, that nothing in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, shall be deemed or construed to extend to revive at any Time hereafter, or on any Event whatever, any Allowances or Drawbacks of Excise whatever in respect of Malt used in the distilling of Spirits.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

XVIII. The said several Duties, Allowances, and Drawbacks of Excise by this Act granted and imposed and allowed respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, collected, recovered, paid, applied, and allowed respectively in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties, Allowances, and Drawbacks of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, collected, recovered, allowed, paid, and applied; and all Acts relating to the Duties, Allowances, and Drawbacks of Excise respectively, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act or Acts for securing the Duties of Excise, or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties, Allowances, and Drawbacks, hereby granted, imposed, and allowed respectively, in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties, Allowances, and

Drawbacks hereby respectively granted, imposed, and allowed as aforesaid.

What shall be deemed to be unmalted Grain in the Possession of a Malt Roaster

XIX. And whereas an Act was passed in the Second Session of Parliament holden in the Fifth Year of Her Majesty's Reign, Chapter Thirty, to provide Regulations for preparing and using roasted Malt in colouring Beer, and by the same Act any Roaster of Malt or Dealer in Roasted Malt is prohibited under the Penalties and Forfeitures therein mentioned from having in his Custody or Possession any raw or unmalted Corn or Grain of any Description, roasted or unroasted, mixed or not mixed with any Malt: Be it enacted, That all Corn or Grain found in the Custody or Possession of any Roaster of Malt or Dealer in Roasted Malt, which Corn or Grain shall not have germinated to such a Degree that the Plumule thereof shall have been elongated to the Extent of One Half of the Length of the Grain, shall be deemed to be unmalted Corn or Grain within the Meaning of the said last-mentioned Act; but no Penalty or Forfeiture shall be incurred in respect of any Malt by reason of its being found to contain a Proportion not exceeding Five *per Cent.* of Grain which may not have germinated to the Extent aforesaid, provided reasonable Evidence shall be adduced to prove that such last-mentioned Grain has been subjected to the usual legal Process for the making of Malt.

SCHE-

SCHEDULE,

Containing a Table to be used in determining the original specific Gravity of Worts of Beer.

Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.
·1	·3	4·1	15·5	8·1	34·3	12·1	54·9
·2	·6	4·2	16·0	8·2	34·8	12·2	55·4
·3	·9	4·3	16·4	8·3	35·4	12·3	55·9
·4	1·2	4·4	16·8	8·4	35·9	12·4	56·4
·5	1·5	4·5	17·3	8·5	36·5	12·5	56·9
·6	1·8	4·6	17·7	8·6	37·0	12·6	57·4
·7	2·1	4·7	18·2	8·7	37·5	12·7	57·9
·8	2·4	4·8	18·6	8·8	38·0	12·8	58·4
·9	2·7	4·9	19·1	8·9	38·6	12·9	58·9
1·0	3·0	5·0	19·5	9·0	39·1	13·0	59·4
1·1	3·3	5·1	19·9	9·1	39·7	13·1	60·0
1·2	3·7	5·2	20·4	9·2	40·2	13·2	60·5
1·3	4·1	5·3	20·9	9·3	40·7	13·3	61·1
1·4	4·4	5·4	21·3	9·4	41·2	13·4	61·6
1·5	4·8	5·5	21·8	9·5	41·7	13·5	62·2
1·6	5·1	5·6	22·2	9·6	42·2	13·6	62·7
1·7	5·5	5·7	22·7	9·7	42·7	13·7	63·3
1·8	5·9	5·8	23·1	9·8	43·2	13·8	63·8
1·9	6·2	5·9	23·6	9·9	43·7	13·9	64·3
2·0	6·6	6·0	24·1	10·0	44·2	14·0	64·8
2·1	7·0	6·1	24·6	10·1	44·7	14·1	65·4
2·2	7·4	6·2	25·0	10·2	45·1	14·2	65·9
2·3	7·8	6·3	25·5	10·3	45·6	14·3	66·5
2·4	8·2	6·4	26·0	10·4	46·0	14·4	67·1
2·5	8·6	6·5	26·4	10·5	46·5	14·5	67·6
2·6	9·0	6·6	26·9	10·6	47·0	14·6	68·2
2·7	9·4	6·7	27·4	10·7	47·5	14·7	68·7
2·8	9·8	6·8	27·8	10·8	48·0	14·8	69·3
2·9	10·2	6·9	28·3	10·9	48·5	14·9	69·9
3·0	10·7	7·0	28·8	11·0	49·0	15·0	70·5
3·1	11·1	7·1	29·2	11·1	49·6	15·1	71·1
3·2	11·5	7·2	29·7	11·2	50·1	15·2	71·7
3·3	12·0	7·3	30·2	11·3	50·6	15·3	72·3
3·4	12·4	7·4	30·7	11·4	51·2	15·4	72·9
3·5	12·9	7·5	31·2	11·5	51·7	15·5	73·5
3·6	13·3	7·6	31·7	11·6	52·2	15·6	74·1
3·7	13·8	7·7	32·2	11·7	52·7	15·7	74·7
3·8	14·2	7·8	32·7	11·8	53·3	15·8	75·3
3·9	14·7	7·9	33·2	11·9	53·8	15·9	75·9
4·0	15·1	8·0	33·7	12·0	54·3	16·0	76·5

CAP. XXXV.

An Act to authorize the West India *Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain cases.*—[30*th* June 1856.]

CAP. XXXVI.

An Act for the better Preservation of the Peace in Ireland.—[20*th* June 1856.]

Amended and Repealed in part by 33 & 34 Vict. c. 9.

CAP. XXXVII.

An Act to amend the Act for transferring to Counties in Ireland *certain Works constructed wholly or in part with the Public Money.*—[20*th* June 1856.]

CAP. XXXVIII.

An Act for the further Amendment of the Laws relating to Labour in Factories.—[30*th* June 1856.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories:* And whereas by Section Twenty-one of the said Act it was amongst other things enacted, that all Parts of the Mill-gearing in a Factory should be securely fenced; and by Section Forty-three of the said Act Provision was made for referring to competent Persons as Arbitrators all questions relating to Machinery which an Inspector or Sub-Inspector might observe in a Factory not securely fenced, and which he might deem to be likely to cause bodily Injury, and of which he should give Notice to the Occupier of a Factory; and by Sections Fifty-nine and Sixty certain Penalties are incurred for not fencing such Machinery, and

7 & 8 Vict. c. 15.

and for any Accident arising from such Non-Fencing, and for any Disobedience of the Notice given by such Inspector or Sub-Inspector: And whereas Doubts have arisen as to the true Construction of the said several Sections; and it is expedient that such Doubts should be removed, and that the aforesaid Provision of the said Act should be explained and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for any Purpose as "The Factory Act, 1856.

Commencement of Act.

II. This Act shall commence and take effect on and from the first Day of *June* One thousand eight hundred and fifty-six.

Recited Act and this Act to be One.

III. The said recited Act and this Act shall be construed and executed as if they were One Act.

Sect. 21. to apply only to Mill-gearing liable to come into contact, &c.

IV. The said Section Twenty-one, so far as the same refers to the Mill-gearing, shall apply only to those Parts thereof with which Children and young Persons and Women are liable to come in contact, either in passing or in their ordinary Occupation in the Factory.

The Word "Machinery" in Sect. 43. to extend to other Mill-gearing.

V. The Word "Machinery" in the said Section Forty-three shall be considered as applicable to and including all other Parts of the Mill-gearing in a Factory with which Children and young Persons are not liable to come in contact in passing or in their ordinary Occupation in the Factory; and the Word "Machinery," in the Twenty-fourth, Forty-second, Fifty-ninth, and Sixtieth, Sections of the said Act, shall be considered as applicable to and as including Mill-gearing.

Penalty for not fencing Machinery after Notice.

VI. Where, under the said Section Forty-three as amended by this Act, an Inspector or Sub-Inspector gives Notice in Writing to the Occupier of a Factory or his Agent in relation to any Part of the Machinery or any Driving Strap or Band not securely fenced which such Inspector or Sub-Inspector deems likely to cause bodily Injury to any Person employed in the Factory, if the Occupier of such Factory do not within the Time in this Behalf limited by the said Section make Application in Writing for referring the Question of the fencing of the Machinery, Strap, or Band to which the Notice refers to Arbitration, and with the least possible Delay appoint an Arbitrator, or if the Decision in any such Arbitration be that it is necessary and possible to fence the said Machinery, Strap, or Band, the Occupier of the Factory shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds if he do not within a reasonable Time after such Notice or Decision (as the Case may be) cause such Machinery, Strap, or Band to be well and securely fenced, and at all Times thereafter keep the same well and securely fenced.

CAP. XXXIX.

An Act to carry into Effect a Convention respecting a Loan by Her Majesty to the King of Sardinia.—[20*th* June 1856.]

CAP. XL.

An Act to amend an Act of the Seventeenth and Eighteenth Years of Her present Majesty relating to Industrial and Provident Societies.—[7*th* July 1856.]

Repealed by 25 & 26 *Vict.* c. 87. § 1.

CAP. XLI.

An Act to make further Provision for the Establishment of Savings Banks for Seamen.—[7*th* July 1856.]

WHEREAS by the Merchant Shipping Act, 1854, certain Powers were given to the Commissioners for the Reduction of the National Debt for the purpose of establishing Savings Banks for Seamen: And whereas it has since been found to be expedient that the immediate Management and Control of such Savings Banks should be placed in the Hands of the Board of Trade: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as folllows:

Power to Board of Trade to establish Savings Banks for Seamen.

I. The Board of Trade may establish in *London* a Central Savings Bank for Seamen, together with Branch Savings Banks at such Ports and Places in the United Kingdom as they may think expedient, and they may receive at such

Banks Deposits from or on account of Seamen, or the Wives, Widows, and Children of Seamen, so, however, that the aggregate amount of Deposit standing at any One Time in the Name of any one Depositor shall not exceed Two hundred Pounds.

Power to constitute Shipping Offices Branch Savings Banks.

II. The Board of Trade may constitute any Shipping Office established under the Merchant Shipping Act, 1854, a Branch Savings Bank for the Purposes of this Act, and may require any Shipping Master belonging to such Office to act as Agent of the said Board in carrying this Act into effect, and his Duties as such Agent shall thereupon be deemed to be Part of his Duties within the Meaning of the Merchant Shipping Act, 1854.

Commissioners for Reduction of National Debt to receive Deposits and pay Interest.

III. The Commissioners for the Reduction of the National Debt may from Time to Time, on the Request of the Board of Trade signified by Writing by One of the Secretaries or Assistant Secretaries of such Board, receive from Her Majesty's Paymaster General the Monies received by the said Board as Deposits in Savings Banks established under this Act; and may also from Time to Time, on the like Request signified in like Manner, repay to Her Majesty's Paymaster General to the Account of the said Board the Monies so received by them as aforesaid; and the said Commissioners shall invest all Monies so received by them as aforesaid in the same Manner in which Monies received from Trustees of Savings Banks are invested by them, and shall pay to Her Majesty's Paymaster General, to the Account of the Board of Trade, Interest upon the Monies so received by them as aforesaid so long as the same continue in their Hands, at the same Rate at which they pay interest for the Time being upon the Monies received by them from the Trustees of Savings Banks.

Board of Trade to make Regulations for Conduct of Savings Banks.

IV. The Board of Trade may make and from Time to Time alter such Regulations as they may think fit with respect to the Persons entitled to become Depositors, to the making and Withdrawal of Deposits, the Amount of Deposits, the Rate and Payment of Interest, the Rights, Claims, and Obligations of Depositors, and with respect to all other Matters incidental to carrying this Act into execution; and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and no legal Proceeding shall be instituted against the Board of Trade, or against any Shipping Master or other Public Officer employed on or about such Savings Banks, on account of any such Regulations, or on account of any Act done or left undone in pursuance thereof, or on account of any Refusal, Neglect, or Omission to pay any Deposit or Interest thereon, unless such Refusal, Neglect, or Omission arise from Fraud or wilful Misbehaviour on the Part of the Person against whom Proceedings are instituted.

Application of Deposits of deceased Depositor.

V. All Sums of Money due from the Board of Trade to the Estate of any deceased Person entitled to any Deposit in any Savings Bank established under this Act shall be paid and applied by such Board to the same Persons to whom and in the same Manner and subject to the same Conditions on and subject to which the Money and Effects of a deceased Seaman are payable and applicable under the Provisions of the Merchant Shipping Act, 1854.

Punishment for Forgery or for making false Representations in order to obtain Deposits or Interest.

VI. Every Person who, for the Purpose of obtaining, either for himself or for another, any Money deposited in any Savings Bank established under this Act, or any Interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to any such Money or Interest, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall on Conviction be punishable with Penal Servitude for a Term not exceeding Four Years, or with Imprisonment, with or without Hard Labour, for any Period not exceeding Two Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

Expenses of Act how to be defrayed.

VII. The Board of Trade may, out of the Interest paid by the Commissioners for the Reduction of the National Debt on the Monies paid to them under this Act, pay any Expenses incurred in carrying this Act into effect.

Accounts and Copy of Regulations to be laid before Parliament.

VIII. An annual Account of all Deposits received and repaid by the Board of Trade under the Authority of this Act, and of the Interest thereon, shall be laid before both Houses of Parliament; and a Copy of all Regulations made by this Board under the Authority of this Act shall likewise be laid before both Houses of Parliament.

Mode of Criminal Proceeding.

IX. All Criminal Proceedings under this Act shall be carried on in the same Manner as similar Proceedings under the Merchant Shipping Act, 1854, and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

CAP. XLII.

Expired. *An Act to continue the Act for the Exemption of Stock in Trade from Rating.*—[7*th* July 1856.]

CAP. XLIII.

An Act to authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the gross Revenue.—[7*th* July 1856.]

CAP. XLIV.

Spent. *An Act for raising the Sum of Four Millions by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-six.*—[14*th* July 1856.]

CAP. XLV.

An Act for confirming a Scheme of the Charity Commissioners for Saint Mary Magdalen Hospital *near* Bath.—[14*th* July 1856.]

CAP. XLVI.

An Act to exempt Imprisonments under the Act 5 Geo. 4. c. 96. *from the Operation of the Act abolishing in* Scotland *Imprisonment for Civil Debts of small Amount.*—[14*th* July 1856.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen,* 5 G. 4 c. 96.

Justices of the Peace are empowered to commit Persons to Prison in certain Cases therein mentioned: And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for abolishing in* Scotland *Imprisonment for Civil Debts of small Amount:* And whereas it is expedient to encourage the Settlement of all Disputes between Masters and Workmen by Arbitration: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 5 & 6 W. 4. c. 70.

I. That nothing in the last-recited Act contained shall apply to Imprisonment under the first-recited Act. Nothing in 5 & 6 W. 4. c. 70. to apply to Imprisonment under 5 G. 4 c. 96.

JOINT

JOINT-STOCK COMPANIES.

ARRANGEMENT OF CLAUSES.

Sect.		Corresponding Clauses in former Acts.
	Preamble.	
1.	Short Title of Act	
2.	Act not to apply to Banking and Insurance Companies	

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

Registry.

Sect.		Corresponding Clauses in former Acts.
3.	Company formed by Memorandum of Association and Registration . . .	
4.	Penalty on Partnerships exceeding a certain Number	
5.	Matters required to be prescribed by Memorandum of Association . . .	
6.	Prohibition against Identity of Names in Registered Companies . . .	
7.	Form of Memorandum of Association .	
8.	Shares to be taken by Subscribers of Memorandum of Association . . .	
9.	Special Regulations may be prescribed by Articles of Association . . .	
10.	Form and Effect of Articles of Association .	
11.	Stamp on Memorandum of Association and Articles of Association, and Use of Printed Copies	
12.	Registration of Memorandum of Association and Articles of Association . .	
13.	Effect of Registration . . .	
14.	Directors to be liable for Debts if Dividend be paid when the Company is known by them to be insolvent . . .	
15.	Issue of Shares by Company . . .	8 Vict. c. 16. ss. 6 & 7.

Sect.		Corresponding Clauses in former Acts.
	Register of Shareholders.	
16.	Register of Shareholders	
17.	Annual List of Shareholders on Register	
18.	Penalty on Company not keeping a proper Register	
19.	Restrictive Definition of Shareholder	8 Vict. c. 16. s. 20.
20.	Transfer of Shares	8 Vict. c. 16. s. 14.
21.	Certificate of Shares	8 Vict. c. 16. ss. 11 & 12.
22.	Calls a Debt to Company	
23.	Inspection of Register	
24.	Power to close Register	8 Vict. c. 16. s. 17.
25.	Remedy for improper Entry or Omission of Entry in Register	
26.	Register to be Evidence	
27.	Copies of Memorandum and Articles of Association to be given to Shareholders	

PART II.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

Sect.		Corresponding Clauses in former Acts.
	General.	
28.	Registered Office of Company	
29.	Notice of Situation of Registered Office	
30.	Publication of Name by a Limited Company	18 & 19 Vict. c. 133. s. 4.
31.	Penalties on Non-publication of Name	18 & 19 Vict. c. 133. s. 5.
32.	General Meeting of the Company	
33.	Power of Company to alter Regulations by special Resolution	
34.	Definition of Special Resolution	
35.	Registry of Special Resolutions	
36.	Copies of Special Resolutions	
37.	Notice to Registrar of Increase of Capital	
38.	Prohibition against Holding Land	
39.	Prohibition against carrying on Business with less than Seven Shareholders	
40.	Evidence of Proceedings at Meetings	8 Vict. c. 16. s. 98.
	Legal Instruments of Company.	
41.	Contracts, how made	
	Execution of Deeds.	
42.	Execution of Deeds abroad	
43.	Promissory Notes and Bills of Exchange	7 & 8 Vict. c. 110. s. 45.
44.	Mortgages according to English Law	

Sect.	Corresponding Clauses in former Acts.
45. Bond and Disposition in Security according to Scotch Law	
46. Conveyances according to English Law .	
47. Disposition in Security according to Scotch Law	8 Vict. c. 16. s. 132.

Examination of Affairs of Company.

48. Examination of Affairs of Company by Inspectors appointed by the Board of Trade	New York Statutes, Part I., Chap. xviii., Title 2., s. 176.
49. Power of Inspectors	
50. Result of Examination how dealt with .	
51. Power of Company to appoint Inspectors .	
52. Report of Inspectors to be Evidence .	

Notices.

53. Services of Notices on Company . .	8 Vict. c. 16. ss. 138, 139.
54. Rule as to Notices by Letter . .	
55. Authentication of Notices of Company .	8 Vict. c. 16. s. 139.

Legal Proceedings.

56. Recovery of Penalties . . .	
57. Application of Penalties . . .	

Alteration of Forms.

58. Board of Trade may alter Forms in Schedule	

PART III.

WINDING-UP.

Preliminary.

59. Application of Part III. of Act . .	
60. Definition of "the Court" . . .	
61. Liability of present Shareholders in respect of Debts	7 & 8 Vict. c. 110. s. 66.
62. Liability of former Shareholders in a Company other than a Limited Company with respect to Debts	7 & 8 Vict. c. 110. s. 66.
63. Liability of former Shareholders in a Limited Company with respect to Debts . .	
64. Commencement of winding-up of Company defined	
65. Definition of "Contributory," and legal Character of his Liability . . .	
66. Rights of Contributories between themselves	7 & 8 Vict. c. 110. s. 67. 18 & 19 Vict. c. 133. s. 8.

Sect.		Corresponding Clauses in former Acts.
	Winding-up by Court.	
67.	Circumstances under which Company may be wound-up by Court . . .	11 & 12 Vict. c. 45. s. 5.
68.	Company when deemed unable to pay its Debts	
69.	Application for winding-up to be by Petition	11 & 12 Vict. c. 45. s. 5.
70.	Course to be pursued by Court on Petition of a Creditor	11 & 12 Vict. c. 45. ss. 11. and 12.
71.	Order for winding-up Company on Creditor's Petition	
72.	Course to be pursued by Court on Petition of Contributory	
73.	Effect of the Order for winding-up Company	11 & 12 Vict. c. 45. s. 19.
74.	Power of Court of Chancery to remit winding-up to Court of Bankruptcy . .	
75.	Collection and Application of Assets .	
76.	Fraudulent Preference . . .	
77.	Power of Court to summon Persons suspected of having Property of Company . .	
78.	Examination of Parties by Court . .	
79.	Penalty on Falsification of Books . .	12 & 13 Vict. c. 106. s. 252.
80.	Attachments, Sequestrations, and Executions within Three Months of Petition to be void	
81.	Books, &c. of Company to be Evidence .	
82.	Power of Court to make Calls . .	11 & 12 Vict. c. 45. s. 83., and 12 & 13 Vict. c. 108. s. 28.
83.	Payment of Money into the Bank . .	11 & 12 Vict. c. 45. s. 70.
84.	Power of Court to grant Injunction or Interdict	
85.	Power of Court to stay Proceedings . .	
86.	Power of Court to adjust Rights of Contributories	
87.	Power of Court to order Costs . .	
	Official Liquidators.	
88.	Appointment of Official Liquidators .	8 Vict. c. 45. s. 20-26.
89.	Style and Duties of Official Liquidators .	
90.	Powers of Official Liquidators . .	11 & 12 Vict. c. 45. s. 55. 12 & 13 Vict. c. 108. s. 30. 12 & 13 Vict. c. 108. s. 8.

Sect.		Corresponding Clauses in former Acts.
91.	Appointment of Solicitor to Official Liquidators	11 & 12 Vict. c. 45. s. 33. 12 & 13 Vict. c. 108. s. 11.
92.	Remuneration of Official Liquidators .	12 & 13 Vict. c. 108. s. 6.
93.	Dissolution of Company . . .	
94.	Registrar to make Minute of Dissolution of Company	
95.	Power of Lord Chancellor of Great Britain to make Rules	12 & 13 Vict. c. 108. s. 37.
96.	Power of Lord Chancellor of Ireland to make Rules	12 & 13 Vict. c. 108. s. 37.
97.	Power of Court of Session in Scotland to make Rules	
98.	Power of Vice Warden of Stannaries to make Rules. Court of Stannaries. Service of Process. Appeal in Cases of Winding-up	
99.	Power of Commissioners of Bankruptcy to make Rules	
100.	Rules with respect to Fees . . .	
101.	Special Commissioners for receiving Evidence	12 & 13 Vict. c. 108. s. 20.

Voluntary Winding-up of Company.

102.	Circumstances under which Company may be wound-up voluntarily . . .	
103.	Notice of Resolution to wind-up voluntarily	
104.	Consequences of voluntary Winding-up .	
105.	Saving of Rights of Creditors . .	

PART IV.

Registration Office.

106.	Constitution of Registration Office . .	7 & 8 Vict. c. 110. ss. 19, 21.

PART V.

REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

Repeal.

107.	Repeal of 7 & 8 Vict. c. 110., 10 & 11 Vict. c. 78., and 18 & 19 Vict. c. 133. . .	

Corresponding Clauses in former Acts.

Sect.

108. Provisions of 11 Vict. c. 45., 12 & 13 Vict. c. 108., 7 & 8 Vict. c. 111., and 8 & 9 Vict. c. 98., not to apply to Companies registered under this Act, &c.
109. Saving Clause as to Repeal

Temporary Provisions.

110. Registration of existing Companies
111. Requisitions for Registration by existing Companies
112. Authentication of Statements of existing Companies
113. Certificate of Registration of existing Companies
114. Power of Company to change Name
115. Certificate to be evidence of Compliance with Act
116. Saving Rights of Creditors

CONTENTS OF SCHEDULE.

Form A. Memorandum of Association.
Table B. Regulations for Management of Company.

Arrangement of Clauses in Table B.

Shares—General.
Transmission of Shares.
Forfeiture of Shares.
Increase in Capital.
General Meetings.
Votes of Shareholders.
Directors.
Powers of Directors.
Disqualification of Directors.
Rotation of Directors.
Proceedings of Directors.
Dividends.
Accounts.
Audit.
Notices.
Form of Balance Sheet.
Form. C. Memorandum of Association, with Articles of Association annexed.
Table D. Table of Fees.
Form E. Summary of Capital and List of Shareholders.
Form F. Form of Transfer of Shares.
Form G. Form of Licence to hold Lands.
Form H. Form of Mortgage (England and Ireland).
Form I. Form of Mortgage (Scotland).

CAP. XLVII.

Repealed by 25 & 26 Vict. c. 89. s. 205.

An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations.—[14*th* July 1856.]

WHEREAS it is expedient that the Law relating to the Incorporation and Regulation of Joint Stock Companies and other Associations should be consolidated and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. This Act may be cited for all Purposes as "The Joint Stock Companies Act, 1856."

Act not to apply to Banking and Insurance Companies.

II. This Act shall not apply to Persons associated together for the Purpose of Banking or Insurance.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

Registry.

Company formed by Memorandum of Association and Registration.

III. Seven or more Persons, associated for any lawful Purpose, may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into an Incorporated Company, with or without Limited Liability.

Penalty on Partnerships exceeding a certain Number.

IV. Not more than Twenty persons shall, after the Third Day of *November* One thousand eight hundred and fifty-six, carry on in Partnership any Trade or Business having Gain for its Object, unless they are registered as a Company under this Act, or are authorized so to carry on Business by some Private Act of Parliament or by Royal Charter or Letters Patent, or are engaged in working Mines within and subject to the Jurisdiction of the Stannaries; and if any Persons carry on Business in Partnership contrary to this Provision, every Person so acting shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Members of the Partnership.

V. The

Matters required to be prescribed by Memorandum of Association.

V. The Memorandum of Association shall contain the following Things; (that is to say,)

1. The Name of the proposed Company;
2. The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the Registered Office of the Company is to be established;
3. The objects for which the proposed Company is to be established;
4. The Liability of the Shareholders, whether it is to be limited or unlimited;
5. The Amount of the nominal Capital of the proposed Company;
6. The number of Shares into which such Capital is to be divided, and the Amount of each Share; subject to the following Restriction:

That in the Case of a Company formed with Limited Liability, and herein-after called a Limited Company, the word "Limited" shall be the last Word in the Name of the Company.

Prohibition against Identity of Names in registered Companies.

VI. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive; and if any Company, through Inadvertence or otherwise, is registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the place of the former Name, but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Form of Memorandum of Association.

VII. The Memorandum of Association shall be in the Form marked A. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act.

Shares to be taken by Subscribers of Memorandum of Association.

VIII. Every Subscriber of the Memorandum of Association shall take One Share at the least in the Company: The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum of Association, and upon the Incorporation of the Company he shall be entered in the Register of Shareholders hereinafter mentioned as a Shareholder to the Extent of the Shares he has taken.

Special Regulations may be prescribed by Articles of Association.

IX. The Memorandum of Association may be accompanied by or have annexed thereto or endorsed thereon Articles of Association, signed by the Subscribers to the Memorandum of Association, and prescribing Regulations for the Company; but if no such Regulations are prescribed, or so far as the same do not extend to modify the Regulations contained in the Table marked B. in the Schedule hereto, such last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company, and shall bind the Company and the Shareholders therein to the same Extent as if they had been inserted in Articles of Association, and such Articles had been registered.

Form and Effect of Articles of Association.

X. The Articles of Association shall be in the Form marked C. in the Schedule hereto, or as near thereto as Circumstances admit: They shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the Provisions of this Act.

Stamp on Memorandum of Association and Articles of Association, and Use of printed Copies.

XI. The Memorandum of Association and the Articles of Association shall respectively bear the same Stamps as if they were Deeds: Any Person signing a printed Copy of the Memorandum of Association or Articles of Association shall be deemed to have signed such Memorandum and Articles respectively, and where the proper Stamp has been duly fixed on such Memorandum of Association or Articles of Association it shall not be necessary to stamp any printed Copy so signed: The Execution by any Person of the Memorandum of Association or Articles of Association shall be attested by One Witness at the least; and Attestation by One Witness shall be sufficient Attestation in *Scotland* as well as in *England* and *Ireland*.

Registration of Memorandum of Association and Articles of Association.

XII. The Memorandum of Association and Articles of Association shall be delivered to the Registrar of Joint Stock Companies, who shall retain and register the same: There shall be paid to the Registrar of Joint Stock Companies, in respect of the several Matters mentioned in the Table marked D. in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; and all Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Effect of Registration.

XIII. Upon any such Memorandum of Association, either with or without Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Shareholders in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands; but with such pecuniary Liability on the Part of the Shareholders as is herein-after mentioned: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Directors to be liable for Debts if Dividend be paid when the Company is known by them to be insolvent.

XIV. If the Directors of any such Company shall declare and pay any Dividend when the Company is known by them to be insolvent, or any Dividend the Payment of which would to their Knowledge render it insolvent, they shall be jointly and severally liable for all the Debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office: Provided always, that the Amount for which they shall all be so liable shall not exceed the Amount of such Dividend; and that if any of the Directors shall be absent at the Time of making the Dividend or Dividends so declared or paid, or shall object thereto and shall file their Objection in Writing with the Clerk of the Company, they shall be exempted from the said Liability.

Issue of Shares by Company.

XV. As soon as a Certificate of Incorporation has been granted by the Registrar of Joint Stock Companies, the Company may issue Certificates of Shares to the Subscribers to the Memorandum of Association, and to all other Persons to whom Shares may be allotted, of such Number and Amount as may be prescribed by the Memorandum of the Association, but not of any greater Number or Amount: The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate: And each Share shall be distinguished by its appropriate Number.

Register of Shareholders.

Register of Shareholders.

XVI. Every Company registered under this Act, herein-after referred to as "the Company," shall cause to be kept in One or more Books a Register of Shareholders, and there shall be entered therein the following Particulars:

(1.) The Names, Addresses, and Occupations, if any, of the Shareholders in the Company, and the Shares held by each of them, distinguishing each Share by its Number:
(2.) The Amount paid on the Shares of each Shareholder:
(3.) The Date at which the Name of any Person was entered in the Register as a Shareholder:
(4.) The Date at which any Person ceased to be a Shareholder in respect of any Share.

Annual List of Shareholders on Register.

XVII. Once at the least in every Year a List shall be made of all Persons who on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting of the Company, or, if there is more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars:

(1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided:
(2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:
(3.) The Amount of Calls made on each Share:
(4.) The total Amount of Calls that have been received:
(5.) The total Amount of Calls unpaid:
(6.) The total Amount of Shares forfeited.

The above List and Summary shall be contained in a separate Part of the Register, and shall be in the Form marked E. in the Schedule hereto, or as near thereto as Circumstances admit; such List and Summary shall be completed within Seven Days after such Fourteenth Day as is mentioned in this Section, and a Copy thereof authenticated by the Seal of the Company shall forthwith be forwarded to the Registrar, and any Person may inspect and take Copies of the Same, subject to the Regulations under which a Person is herein-after declared to be entitled to inspect and take Copies of any Documents kept by the Registrar.

Penalty on Company not keeping a proper Register.

XVIII. If any Company registered under this Act makes default in keeping a Register of Shareholders, or in sending a Copy of such List and Summary as aforesaid to the Registrar, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Restrictive Definition of Shareholder.

XIX. No Notice of any Trust, express or implied or constructive, shall be entered on the Register or receivable by the Company; and every Person who has accepted any Share in a Company Registered under this Act, and whose Name is entered in the Register of Shareholders, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him) shall for the purposes of this Act be deemed to be a Shareholder.

Transfer of Shares.

XX. The Transfer of any Share in the Company shall be in the Form marked F. in the Schedule hereto, or to the like Effect, and shall be executed both by the Transferror and Transferree: The Transferror shall be deemed to remain a Holder of such Share until the Name of the Transferree is entered in the Register Book in respect thereof.

Certificate of Shares.

XXI. A Certificate, under the Common Seal of the Company, specifying any Share or Shares held by any Shareholder, shall be *primâ facie* Evidence of the Title of the Shareholder to the Share or Shares therein specified.

Calls a Debt to Company.

XXII. The Amount of Calls for the Time being unpaid on any Share shall be deemed to be a Debt due from the Holder of such Share to the Company.

Inspection of Register.

XXIII. The Register of Shareholders commencing from the Incorporation of the Company shall be kept at the registered Office of the Company herein-after mentioned; except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed for Inspection, be open to the Inspection of any Shareholder *gratis*, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe for each Inspection; and every such Shareholder or other Person may require a Copy of such Register, or of any Part thereof, on Payment of Sixpence for every One hundred Words required to be copied; If such Inspection or Copy is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues.

Power to close Register.

XXIV. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the Registered Office of the Company is situated, close the Register of Shareholders for any Time or Times not exceeding on the whole Twenty-one Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a transfer is to be registered.

Remedy for improper Entry or Omission of Entry in Register.

XXV. If the name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Shareholders of any Company, such Person, or any Shareholder of the Company may, as respects Companies registered in *England* or *Ireland*, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in *Scotland* by Summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified, and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer of Shares, they shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have sustained.

Register to be Evidence.

XXVI. The Register of Shareholders shall be Evidence of any Matters by this Act directed or authorized to be inserted therein.

Copies of Memorandum and Articles of Association to be given to Shareholders.

XXVII. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Shareholder, at his request, on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company.

PART II.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

Registered Office of Company.

XXVIII. The Company shall have a registered Office to which all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Notice of Situation of registered Office.

XXIX. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar of Joint Stock Companies, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

Publication of

XXX. Every limited Company registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods, purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Company.

Name by a limited Company.

XXXI. If any limited Company registered under this Act does not paint or affix, and keep painted or affixed, its Name in manner aforesaid, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Company, or any Person on its Behalf, uses any Seal purporting to be a Seal of the Company whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt or Letter of Credit of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Company.

Penalties on Non-publication of Name.

XXXII. A General Meeting of the Company shall be held once at the least in every Year.

General Meeting of Company.

XXXIII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is herein-after mentioned, alter and make new Provisions in lieu of or in addition to any Regulations of the Company contained in the Articles of Association or the Table marked B. in the Schedule.

Power of Company to alter Regulations by Special Resolution.

XXXIV. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by Three Fourths in Number and Value of such Shareholders of the Company for the Time being entitled to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed) at any Meeting of which Notice specifying the Intention to propose such Resolution

Definition of Special Resolution.

Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Shareholders for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting of which Notice has been duly given, and held at an Interval of not less than One Month, nor more than Three Months, from the Date of the Meeting at which such Special Resolution was first passed: Unless a Poll is demanded by at least Five Shareholders a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in Manner prescribed by the Regulations of the Company.

Registry of Special Resolutions.

XXXV. A Copy of any Special Resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar of Joint Stock Companies, and recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded.

Copies of Special Resolutions.

XXXVI. A Copy of any Special Resolution shall be given to any Shareholder on Payment of One Shilling, or of such less Sum as the Company may direct.

Notice to Registrar of Increase of Capital.

XXXVII. The Company, if authorized so to do by its Regulations, may increase its nominal Capital in manner directed by such Regulations, but Notice of any Increase so made shall be given to the Registrar of Joint Stock Companies within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Prohibition against holding Land.

XXXVIII. No Company that is not for the Time being carrying on a Trade or Business having Gain for its Object shall be entitled, without the Sanction of the Board of Trade, to hold more than Two Acres of Land, but the Board of Trade may empower any such Company to hold Lands in such Quantity and subject to such Conditions as they think fit, and may for that Purpose grant a Licence in the Form marked G. in the Schedule hereto, or to the like Effect.

XXXIX. If any Company registered under this Act carries on Business when the Number of its Shareholders is less than Seven, for a Period of Six Months after the Number has been so reduced, then every Person who is a Shareholder in such Company during the Time that it so carries on Business after such Period of Six Months shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same without the Joinder in the Action or Suit of any other Shareholder.

Prohibition against carrying on Business with less than Seven Shareholders.

XL. The Company shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company to be duly entered in Books to be from Time to Time provided for the Purpose, and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence in all legal Proceedings, and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Evidence of Proceedings at Meetings.

Legal Instruments of Company.

XLI. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say,)

Contracts how made.

(1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to *English* Law to be under Seal, may be made on behalf of the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:

(2.) Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Manner be varied or discharged:

(3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Company by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Way be varied or discharged:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

Deeds.

Deeds.

Execution of Deeds abroad.

XLII. Any Company registered under this Act may, by Instrument or Writing under their Common Seal, empower any Person, either generally or in respect of any specified Matters, as their Attorney, to execute Deeds on their Behalf in any Place not situate in the United Kingdom; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company, to the same Extent as if it were under the Common Seal of the Company.

Promissory Notes and Bills of Exchange.

XLIII. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the Name of the Company by any Person acting under the express or implied Authority of the Company.

Mortgages according to English Law.

XLIV. In any Mortgage, made according to *English* Law by any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negativing such Implication are contained therein); that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; a Covenant that they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him; and if a Power of Sale is thereby given such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts for Sale or Re-sale without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked H. in the Schedule hereto, or as near thereto as Circumstances admit.

Bond and Disposition in Security according to Scotch Law.

XLV. In any Bond and Disposition in Security made according to *Scotch* Law by any Company registered under this Act there shall be implied the following Obligations and Undertakings (unless Words expressly negativing such Implication are contained therein): that is to say, an Obligation on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any Person claiming through, under, or in trust for him, any further Deed necessary to give Effect and Validity to the

Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts of Sale or Re-sale, without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies; and such Bond and Disposition in Security may be in the Form marked I. in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the General or Particular or Burgh Register of Sasines, as the Case may be, and being so registered shall be equivalent to a Bond and Disposition in Security in ordinary Form, containing Power of Sale with Sasine thereon, duly recorded in the Register of Sasines.

Conveyances according to English Law.

XLVI. In any Conveyance or Assurance made according to *English* Law by any Company registered under this Act there shall be implied (unless Words expressly negativing such Implication are contained therein) the following Covenants on the Part of the Company; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by them:

A Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company:

A Covenant for further Assurance of such Lands or Premises at the Expense of the Person to whom the same are conveyed or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

Disposition in Security according to Scotch Law.

XLVII. In any Disposition of Heritable Property granted according to *Scotch* Law by any Company registered under this Act, there shall be implied, unless Words expressly excluding such Implication are contained therein, an Obligation of absolute Warrandice, and an Obligation to complete the Company's Title at its own Expense so far as necessary to validate or give full Effect to such Disposition, and an Obligation to grant also at its own Expense any further Deeds which may be necessary to render such Disposition effectual.

Examination

Examination of Affairs of Company.

Examination of Affairs of Company by Inspectors appointed by the Board of Trade.

XLVIII. Upon the Application of One Fifth in Number and Value of the Shareholders of any Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the Company, and to report thereon in such Manner as the Board of Trade directs.

Power of Inspectors.

XLIX. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence.

Result of Examination how dealt with.

L. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Shareholders upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Shareholders upon whose Application the Inspectors were appointed.

Power of Company to appoint Inspectors.

LI. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs, and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would have incurred if such Inspectors had been appointed by the Board of Trade.

Report of Inspectors to be Evidence.

LII. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in any legal Proceeding.

Notices.

Services of Notices on Company.

LIII. Any Summons or Notice requiring to be served upon the Company may, except in Cases where a particular Mode of Service is directed, be served by leaving the same, or sending it through the Post addressed to the Company, at their registered Office, or by giving it to any Director, Secretary, or other principal Officer of the Company.

Rule as to Notices by Letter.

LIV. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office at such Time as aforesaid.

Authentication of Notices of Company.

LV. Any Summons, Notice, Writ, or Proceeding requiring Authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Legal Proceedings.

Recovery of Penalties.

LVI. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Summary Convictions and Orders;* and as to *Scotland*, before Two or more Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend and consolidate the Acts relating to Merchant Shipping*, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to *Ireland*, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act passed for the Amendment of the above-mentioned Acts.

Application of Penalties.

LVII. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Alteration of Forms.

Board of Trade may alter Forms in schedule.

LVIII. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite: They shall publish any Form or Table when altered in the *London Gazette*, and upon such Publication being made, it shall have the same Force as if it were included in the Schedule to this Act.

PART III.

WINDING-UP.

Preliminary.

Application of Part III. of Act.

LIX. The Provisions of this Act relating to the Winding-up of Companies shall apply to all Companies registered under this Act, and to all Companies registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies* from and after the Date at which they have obtained Registration under this Act in manner herein-after mentioned, but not any other Companies.

Definition of "the Court."

LX. The Expression "the Court," as used in the Third Part of this Act, shall mean the following Authorities; (that is to say,)

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of the Vice-Warden of the Stannaries:

In the Case of a Limited Company registered in *England* that is not engaged in working any such Mine as aforesaid, the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate:

In the Case of a Limited Company registered in *Ireland* whose registered nominal Capital does not exceed Five thousand Pounds,—the Commissioners of Bankrupt in *Ireland*:

In all Cases not herein-before provided for, the Court shall mean as respects Companies registered in *England* the High Court of Chancery of *England*, as respects Companies registered in *Scotland* the Court of Session in either Division thereof, and as respects Companies registered in *Ireland* the Court of Chancery of *Ireland*.

And any Court to which Jurisdiction is given by the Third Part of this Act, not being the Court of Chancery or the Court of Session, shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it in pursuance of this Act, if in *England*, as the Court of Chancery has, if in *Ireland*, as the Court of Chancery in *Ireland* has, in relation to Matters within the Jurisdiction of such Courts respectively.

Liability of present Shareholders in respect of Debts.

LXI. In the event of any Company being wound-up by the Court or voluntarily, the existing Shareholders shall be liable to contribute to the Assets of the Company to an amount sufficient to pay the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, with this Qualification, that if the Company is limited no Contribution shall be required from any Shareholder exceeding the Amount, if any, unpaid on the Shares held by him.

Liability of former Shareholders in a Company other than a Limited Company with respect to Debts.

LXII. In the event of any Company other than a Limited Company being wound-up by the Court or voluntarily, any Person who has ceased to be a Shareholder within the Period of Three Years prior to the Commencement of the winding-up shall be deemed, for the Purposes of Contribution towards Payment of the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, to be an existing Shareholder, and shall have in all respects the same Rights, and be subject to the same Liabilities to Creditors, as if he had not so ceased to be a Shareholder, with this Exception, that he shall not be liable in respect of any Debt of the Company contracted after the Time at which he ceased to be a Shareholder.

Liability of former Shareholders in a Limited Company with respect to Debts.

LXIII. In the event of any Limited Company being wound-up by the Court or voluntarily, any Person who has ceased to be a Holder of any Share or Shares within the Period of One Year prior to the Commencement of the winding-up shall be deemed, for the Purposes of Contribution towards Payment of the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, to be an existing Holder of such Share or Shares, and shall have in all respects the same Rights and be subject to the same Liabilities to Creditors as if he had not so ceased to be a Shareholder.

Commencement of Winding-up of Company defined.

LXIV. The Winding-up shall, if the Company is wound-up by the Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and if the Company is wound-up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

LXV. Any

Definition of "Contributory," and legal Character of his Liability.

LXV. Any existing or former Shareholder upon whom Calls are authorized to be made by the Third Part of this Act is herein-after called "a Contributory," and the Representatives of any deceased Contributory shall be liable in a due Course of Administration to the same Extent as such Contributory would be liable under the Third Part of this Act, if alive.

Rights of Contributories between themselves.

LXVI. For the Purpose of ascertaining the Liability of existing and former Shareholders as between themselves, the following Rule shall be adopted; (that is to say,)

(1.) In the Case of a Company other than a Limited Company every Transferree of Shares shall, in a Degree proportioned to the Shares transferred, indemnify the Transferror against all existing and future Debts of the Company:

(2.) In the Case of a Limited Company every Transferree shall indemnify the Transferror against all Calls made or accrued due on the Shares transferred subsequently to the Transfer.

Winding-up by Court.

Circumstances under which Company may be wound-up by Court.

LXVII. A Company may be wound-up by the Court under the following Circumstances; (that is to say,)

(1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up by the Court:

(2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year:

(3.) Whenever the Shareholders are reduced in Number to less than Seven:

(4.) Whenever the Company is unable to pay its Debts:

(5.) Whenever Three Fourths of the Capital of the Company have been lost or become unavailable.

Company when deemed unable to pay its Debts.

LXVIII. A Company shall be deemed to be unable to pay its Debts,

(1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company have for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the satisfaction of the Creditor:

(2.) Whenever, in *England* and *Ireland*, Execution issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Suit or other legal

Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate:

(3.) Whenever, in *Scotland*, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made.

Application for winding-up to be by Petition.

LXIX. Any Application for the winding-up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same: Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company a Contributory alone is entitled to present the Petition.

Course to be pursued by Court on Petition of a Creditor.

LXX. Upon the Hearing of any Petition presented by a Creditor, the Court may dismiss such Petition with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him, together with such Costs as the Court may direct; or the Court may, if it so thinks fit, on the Hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Order for winding-up Company on Creditor's Petition.

LXXI. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding-up the Company.

Course to be pursued by Court on Petition of Contributory.

LXXII. Upon the Hearing of a Petition presented by a Contributory, the Court may dismiss such Petition with or without Costs, to be paid by the Petitioner, or it may make an Order or Decree, directing the Company to be wound-up, or such other Order or Decree as it deems just.

Effect of the order for winding-up Company.

LXXIII. After the Date of such Order or Decree for winding-up the Company, all Suits and Actions against the Company shall, if the Court so orders, be stayed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court: A Copy of such Order or Decree shall forthwith be reported by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company.

Power of Court of Chancery

LXXIV. In Cases where the Court of Chancery in *England* or *Ireland* makes an Order for winding-up a Company, it may, if to remit Winding-up to Court of Bankruptcy.

if it thinks fit, direct all or any subsequent Proceedings for winding-up the same to be had in the Court of Bankruptcy, having Jurisdiction in the Place in which the registered Office of the Company is situate, or if the Company is formed for the Purpose of working any such Mine as is within and subject to the Jurisdiction of the Stannaries, in the Court of the Vice-Warden of the Stannaries; and upon such Order being made the Court therein named shall have the same Jurisdiction and exercise the same Powers with respect to winding-up such Company as it would have and exercise in a Case by this Act declared to be within its Jurisdiction.

Collection and Application of Assets.

LXXV. As soon as may be after making an Order or Decree for winding-up the Company the Court shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities in a due Course of Administration.

Fraudulent Preference.

LXXVI. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property, as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of any Creditor of such Trader, shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding-up such Company, to have been made or done by way of undue or fraudulent Preference of such Creditor of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding-up a Company shall be deemed to correspond with the filing of a Petition for Adjudication of Bankruptcy in the Case of an Individual Trader; and any Conveyance or Assignment made by any Company registered under this Act of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents.

Power of Court to summon Persons suspected of having Property of Company.

LXXVII. The Court may, after it has made an Order or Decree for winding-up the Company, summon before it any Person known or suspected to have in his Possession any of the Estate or Effects of the Company; or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court requisite to the full Disclosure of any of the Matters which the Court thinks necessary to be inquired into for the Purpose of winding-up the Company, and if any Person so summoned refuses to come before the Court at the Time appointed, having no lawful Impediment (made known to the

Court at the Time of its sitting, and allowed by it), the Court may by Warrant authorize and direct the Persons therein named for that Purpose to apprehend such Person and bring him before the Court for Examination.

Examination of Parties by Court.

LXXVIII. The Court may examine upon Oath, either by Word of Mouth or upon Written Interrogatories, any Person appearing or brought before them in manner aforesaid, concerning the Trade, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to sign and subscribe the same.

Penalty on Falsification of Books.

LXXIX. If any Director, Officer, or Contributory of any Company for the winding-up of which an Order or Decree has been made under this Act destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company with Intent to defraud the Creditors or Contributories of such Company or any of them, every Person so offending shall be deemed to be guilty of a Misdemeanor, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

Attachments, Sequestrations, and Executions within Three Months of Petition to be void.

LXXX. If any Attachment, Sequestration, or Execution is issued against any Company, by virtue whereof the Estate and Effects of the Company, or any of them, may be attached, sequestered, or taken in Execution, at any Time within Three Months next before the filing or Presentation of the Petition for winding-up the Company, such Attachment, Sequestration, or taking in Execution shall be void in favour of the Liquidators of the Company, as against the attaching, sequestrating, or Execution Creditor, whether the same has been completely executed or not, except that such Creditor shall, if the Attachment, Sequestration, or Execution would have been valid but for this Provision, be entitled to retain out of any Money already realized, his Costs of Suit, and of the Attachment, Sequestration, or Execution, or to proceed with the Attachment, Sequestration, or Execution for the purpose of realizing such Costs; but on Satisfaction of such Costs, or on Tender of the Amount thereof by the Liquidators to the Creditor, it shall be lawful for the Liquidators to recover from such Creditor the Property so attached, sequestrated, and taken in Execution, and the Proceeds of such Property, or the Residue thereof, as the Case may be.

Books of Company to be Evidence.

LXXXI. All Books, Accounts, and Documents of the Company, and of the Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *primâ facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein recorded.

Power of Court to

LXXXII. The Court may, at any Time after making an

Order

make Calls.

Order or Decree for winding-up a Company, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs of winding it up, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Payment of Money into the Bank.

LXXXIII. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any other Matter, with the Exception of such Balance, if any, as the Official Liquidators may, with the Sanction of the Court, retain in their Hands for the Payment of current Expenses, shall in *England* be paid into the Bank of *England* or some Branch thereof, and in *Ireland* into the Bank of *Ireland* or some Branch thereof, and in *Scotland* into One of the incorporated or chartered Banks in *Scotland*, to the Credit of such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

Power of Court to grant Injunction or Interdict.

LXXXIV. The Court may, at any Time after the Presentation of a Petition for winding-up a Company, and either before or after making an Order for winding-up the same, upon the Application by Motion of any Creditor or Contributory of such Company, restrain further Proceedings in any Action or Suit against the Company, or appoint a Receiver of the Estate and Effects of the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time, or be precluded from the Benefit of any Distribution which may be made before such Claim is proved.

Power of Court to stay Proceedings.

LXXXV. The Court may at any Time after an Order or Decree has been made for winding-up a Company, upon the Application by Motion of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit.

Power of Court to adjust Rights of Contributories.

LXXXVI. As soon as the Creditors are satisfied, the Court shall proceed to adjust the Rights of the Contributories amongst themselves; and to distribute any Surplus that may remain amongst the Parties entitled thereto, and for the Purposes of such Adjustment it may make Calls on the Contributories to the Extent of their Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of Court to order Costs.

LXXXVII. The Court may make such Order as to the Priority and Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding-up any Company as it thinks just.

Official Liquidators.

Appointment of Official Liquidators.

LXXXVIII. For the purpose of conducting the Proceedings in winding-up a Company, and assisting the Court therein, there shall be appointed a Person or Persons to be called an Official Liquidator or Official Liquidators; and such Appointment shall be made as follows; that is to say,

In Cases within the Jurisdiction of the Court of Chancery in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Stannaries, the Court having Jurisdiction may, after requiring due Security, appoint such Persons or Person, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidators; it may from Time to Time remove any Person or Persons so appointed, and fill up any Vacancy occasioned by such Removal or by the Death or Resignation of any such Appointee or Appointees; if One Person only is appointed, he shall have all the Powers hereby given to several Liquidators; if more Persons than One are appointed, the Court shall declare whether any Act hereby required or authorized to be done by the Official Liquidators may be done by all or any One or more of such Persons:

In Cases within the Jurisdiction of any Court of Bankruptcy, the Official Assignee to be named by the Court shall be the Official Liquidator; but it shall be lawful, in Cases where the Winding-up takes place at the Suit of a Creditor, for the major Part in Value of the Creditors assembled at a Meeting to be held for the Purpose, and in Cases where the Winding-up takes place at the Suit of a Contributory, for the Major Part in Value of the Contributories assembled at a Meeting to be held for the Purpose, to appoint an Official Liquidator to act concurrently with the Official Liquidator so named by the Court.

Style and Duties of Official Liquidators.

LXXXIX. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or he are or is appointed, and not by their or his individual Names or Name; they or he shall take into their or his Custody all the Property, Effects, and things in Actions of the

Company, and shall perform such Duties in reference to the winding-up of the Company as may be imposed by the Court.

Powers of Official Liquidators.

XC. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things:—

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be necessary for the beneficial Winding-up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or to sell the same in Parcels:

To execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use, when necessary, the Company's Seal:

To refer Disputes to Arbitration, and compromise any Debts or Claims:

To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof:

To do and execute all such other Things as may be necessary for winding-up the Affairs of the Company and distributing its Assets.

Appointment of Solicitor to Official Liquidators.

XCI. The Official Liquidators may, with the Approval of the Court, appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist them in the Performance of their Duties: There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration by way of Fees or otherwise as may be allowed by the Court.

Remuneration of Official Liquidators.

XCII. There shall be paid to the Official Liquidators such Salary or Remuneration, by way of Percentage or otherwise, as the Court directs.

Dissolution of Company.

XCIII. When the Affairs of the Company have been completely wound-up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly.

Registrar to make Minute of Dissolution of Company.

XCIV. Any Order or Decree so made shall be Reported by the Official Liquidators to the Registrar of Joint Stock Companies, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Power of Lord Chancellor of Great Britain to make Rules.

XCV. In *England*, the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of Proceeding to be had for winding-up a Company in the Court of Chancery as may from Time to Time seem necessary; but, until such Rules are made, the general Practice of the Court of Chancery, including the Practice hitherto in use in winding-up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager.

Power of Lord Chancellor of Ireland to make Rules.

XCVI. In *Ireland*, the Lord Chancellor of *Ireland* may, as respects the winding-up of Companies in *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of *Great Britain ;* but, until such Rules are made, the general Practice of the Court of Chancery in *Ireland*, including the Practice hitherto in use in *Ireland* in winding-up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager.

Power of Court of Session in Scotland to make Rules.

XCVII. In *Scotland* the Court of Session may, by Act of Sederunt, exercise the same Power of making Rules of Practice as is herein-before given to the Lord Chancellor of *Great Britain* as regards *England*, but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

Power of Vice-Warden of Stannaries to make Rules.

XCVIII. The Vice-Warden of the Stannaries may from Time to Time, with the Approval of the Lord Chancellor of *Great Britain*, make such General Rules as may be necessary or expedient for the Purpose of carrying into execution the Powers conferred by this Act upon the Court of the said Vice-Warden; but, subject to such Rules, the general Practice of the said Court in Cases within the Jurisdiction thereof shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act, and any Order made by the Vice-Warden of the Stannaries may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced; and for the Purpose of Jurisdiction any Company registered under this Act engaged in working any Mine within and subject to the Jurisdiction of the Stannaries shall be deemed to be resident within the Stannaries, and at the Place where such Mine is situate: It shall be competent for the Vice-Warden in any Suit instituted against any Shareholder or Contributory of a Company so registered to authorize the Service of Process on such Shareholder or Contributory in any Part of *England* or *Wales*; provided, that it shall be lawful for the Lord Warden to remit at once any Cause or Matter pending before him on Appeal against any Decree or Order of the Court made in pursuance of the Power conferred upon it by this Act for the winding-up of such a Company to the Court of Appeal in Chancery, which shall thereupon have Power to hear and determine such Appeal, and to make such Order or Orders therein as may seem fit.

Court of Stannaries.

Service of Process.

Appeal in Cases of Winding-up.

Power of Commissioners of Bankruptcy to make Rules.

XCIX. Any Two Commissioners of Bankruptcy appointed by the Lord Chancellor of *Great Britain* may, as respects the Courts of Bankruptcy in *England*, and the Commissioners of Bankrupt in *Ireland* may, as respects the Courts of Bankruptcy in *Ireland*, make Rules as they respectively from Time to Time, but subject to the Approval of the Lord Chancellors of *Great Britain* and *Ireland* respectively, think fit, for the Purpose of Regulating the Proceedings in such Courts for winding-up Companies, but, Subject to such Rules, the general Practice of the Courts of Bankruptcy in *England* and *Ireland* respectively, in Cases within the ordinary Jurisdiction of such Courts, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act; and any Order made by any Commissioner of Bankruptcy in such Proceedings may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced.

Rules with respect to Fees.

C. The Lord Chancellor of *Great Britain* as respects the Courts of Chancery and Bankruptcy in *England*, the Lord Chancellor of *Ireland* as respects the Courts of Chancery and Bankruptcy in *Ireland*, the Court of Session in *Scotland* by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in respect of Proceedings taken under the Third Part of this Act for winding-up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied; and as respects fees to be paid in like Proceedings in the Court of the Vice-Warden of the Stannaries, it shall be lawful for the Vice-Warden to authorize Fees to be taken not exceeding in Number or Amount the Fees so authorized from Time to Time by the Lord Chancellor of *Great Britain* to be paid in Courts of Bankruptcy, and the Council of the Prince of *Wales*, or the Special Commissioners for managing the Affairs of the Duchy of *Cornwall*, as the Case may be, may direct in what Manner the Monies arising from such Fees are to be applied towards the annual Expenses of the Court of the Stannaries, or towards the Payment or in augmentation of the present official Salaries.

Special Commissioners for receiving Evidence.

CI. The District Commissioners of the Court of Bankruptcy and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in *Ireland*, and the Sheriffs of Counties in *Scotland*, shall be Commissioners for the Purpose of taking Evidence under the Third Part of this Act in Cases where any Company is wound-up by the Courts of Chancery in *England* or *Ireland* or by the Court of Session in *Scotland*; and it shall be lawful for such Court to refer the whole or any Part of the Examination of any Witnesses under the Third Part of this Act to any such Commissioner, although such Commissioner is out of the Jurisdiction of the Court by which the Order or Decree for winding-up the Company was made; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Witnesses, as the Court which made the Order for winding-up the Company has; and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound-up voluntarily.

CII. A Company may be wound-up voluntarily,

(1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:

(2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up voluntarily.

Whenever a Company is wound-up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound-up.

Notice of Resolution to wind-up voluntarily.

CIII. Notice of any Special Resolution to wind-up a Company voluntarily shall be given, as respects Companies registered in *England* in the *London Gazette*, as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Consequences of voluntary Winding-up.

CIV. The following Consequences shall ensue upon the voluntary Winding-up of a Company:

(1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall, unless it be otherwise provided by the Articles of Association, be distributed amongst the Shareholders in proportion to their Shares:

(2.) Liquidators shall be appointed for the Purpose of winding-up the Affairs of the Company and distributing the Property:

(3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or

Liquidators, and may fix the Remuneration to be paid to them:

(4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him:

(5.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them:

(6.) The Liquidators may at any Time after the passing of the Resolution for winding-up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

(7.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court:

(8.) All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Shareholders:

(9.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

(10.) As soon as the Affairs of the Company are fully wound up, the Liquidators shall make up an Account showing the Manner in which such Winding-up has been conducted, and the Property of the Company disposed of; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same; and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Shareholders for the Purpose of considering such Account; but no such Meeting shall be deemed to be duly held unless

One Month's previous Notice, specifying the Time, Place, and Object of such Meeting, has been published as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*:

(11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account; but the Meeting may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat: and if, on Consideration, the Meeting is of opinion that the Affairs of the Company have been fairly wound up, they shall pass a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such Resolution, as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*, and shall also make a Return to the Registrar of Joint Stock Companies of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be dissolved:

(12.) If within One Year after the passing of a Resolution for a winding-up the Affairs of the Company such Affairs are not wound-up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding-up down to that Date, and they shall add thereto a Report stating the Reason why the Winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to Year until the Winding-up of the Affairs of the Company is completed:

All Costs, Charges, and Expenses properly incurred in the voluntary Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

Saving of Rights of Creditors.

CV. The voluntary Winding-up of a Company shall not prejudice the Right of any Creditor of such Company to institute Proceedings for the Purpose of having the same wound-up by the Court.

PART IV.

PART IV.

Registration Office.

Constitution of Registration Office.

CVI. The Registration of Companies shall be conducted as follows; (that is to say,)

(1.) The Board of Trade may from Time to Time appoint such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act, and Remove them at pleasure:

(2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid:

(3.) The Board of Trade may from Time to Time determine the Place or Places at which Offices for the Registration of Companies are to be established: Provided always, that there shall be at all Times maintained in each of the Three Parts of the United Kingdom at least One such Office, and that no Company shall be registered except at an Office within that Part of the United Kingdom in which by the Memorandum of Association the registered Office of the Company is declared to be established:

(4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies:

(5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection; and any Person may require a Copy or Extract of any Document or any Part of any Document, to be certified by the Registrar; and there shall be paid for such certified Copy or Extract such Fee as the Board of Trade may appoint, not exceeding Sixpence for each Folio of such Copy or Extract, or in *Scotland* for each Sheet of Two hundred Words; and such certified Copy shall be *primâ facie* Evidence of the Matters therein contained in all legal Proceedings whatever:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the

Registration of Joint Stock Companies, shall, during the Pleasure of the Board of Trade, hold the Offices and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct:

(8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in *England* to or by the existing Registrar of Joint Stock Companies or in his Absence by the Assistant Registrar, in *Scotland* to or by such Officer as the Board of Trade may appoint, and in *Ireland* to or by the existing Assistant Registrar of Joint Stock Companies for *Ireland;* but, in the event of the Board of Trade altering the Constitution of the existing Registry Office, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local Situation of the registered Offices of the Companies to be registered as the Board of Trade may appoint.

PART V.

REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

Repeal.

Repeal of 7 & 8 Vict. c. 110., 10 & 11 Vict. c. 78., and 18 & 19 Vict. c. 133.

CVII. There shall be repealed,—

(1.) The Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten:

(2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled *An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*

(3.) The Limited Liability Act, 1855:

But such Repeal shall not take effect with respect to any Company completely registered under the said Act of the Eighth Year of Her present Majesty until such Company has obtained Registration under this Act, as herein-after mentioned.

CVIII. The following Acts, that is to say,

(1.)

(1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled *An Act to amend the Acts for facilitating the Winding-up of the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also to facilitate the Dissolution and Winding-up of Joint Stock Companies and other Partnerships:*

Provisions of 11 Vict. c. 45. 12 & 13 Vict. c. 108. 7 & 8 Vict. c. 111. and 8 & 9 Vict. c. 98. not to apply to Companies registered under this Act, &c.

(2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled *An Act to amend the Joint Stock Companies Winding-up Act,* 1848:

(3.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven, and intituled *An Act for facilitating the Winding-up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements:*

(4.) An Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight, and intituled *An Act for facilitating the Winding-up the Affairs of Joint Stock Companies in* Ireland *unable to meet their pecuniary Engagements:*

shall not apply to Companies registered under this Act, nor to Companies registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, from and after the Date at which they have obtained Registration under this Act, as herein-after mentioned.

Saving Clause as to Repeal.

CIX. No Repeal hereby enacted shall affect—

(1.) Anything duly done under any Acts hereby repealed before such Repeal comes into operation:

(2.) Any Right acquired or Liability incurred under any such Acts before such Repeal comes into operation:

(3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any such Acts committed before such Repeal comes into operation:

(4.) Any Proceeding to be taken in the Prosecution of any Order for winding-up a Company made before such Repeal comes into operation.

Temporary Provisions.

Registration of existing Companies.

CX. Every Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, shall on or before the Third Day of *November* One thousand eight hundred and fifty-six, and any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, may at any Time hereafter, register itself as a Company under this Act, with or without Limited Liability, subject to this Proviso, that no Company shall be registered under this Act as a Limited Company unless either a Certificate of Complete Registration with Limited Liability under the "Limited Liability Act, 1855," has been obtained by it, or an Assent to its being so registered has been given by Three Fourths in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for that Purpose.

Requisitions for Registration by existing Companies.

CXI. Previously to the Registration under this Act of any existing Company, there shall be delivered to the Registrar of Joint Stock Companies the following Documents; that is to say,

(1.) In the Case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, if such Company is not intended to be registered as a Limited Company, a List showing the Names, Addresses, and Occupations of all Persons who on the Day of Registration are Holders of Shares in the Company, with the Addition of the Shares held by such Persons respectively, distinguishing each Share by its Number:

(2.) If such Company as last aforesaid has obtained a Certificate of Complete Registration with Limited Liability under the Limited Liability Act, 1855, or if it has not obtained such a Certificate, but is intended to be registered as a Limited Company under the Provisions of this Act, the above List shall be accompanied with a Statement specifying the following Particulars:

The nominal Capital of the Company, and the Number of Shares into which it is divided:

The Number of Shares taken and the Amount paid on each Share:

Such Statement shall also contain, in case the Company has not previously obtained a Certificate of Limited Liability, but is intended to be registered as a Limited Company under this Act,

The Name of such Company, with the Addition of the Word "Limited" as the last Word thereof:

(3.) In the Case of any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, if it is not intended to be registered as a Limited Company, there shall be delivered to the Registrar of Joint Stock Companies such List of Shareholders as is herein-before mentioned, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company:

(4.) If any such Company as last aforesaid is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars; that is to say,

The nominal Capital of the Company, and the Number of Shares into which it is divided;

The Number of Shares taken, and the Amount paid on each Share;

The Name of the Company, with the Addition of the Word "Limited" as the last Word thereof.

Authentication of Statements of existing Companies.

CXII. The List of Shareholders and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two; but no Fees shall be charged in respect of the Registration under this Act of any Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, in Cases where the Liability of the Shareholders is not intended to be limited, or where such Company has already obtained a Certificate of Complete Registration with Limited Liability.

Certificate of Registration of existing Companies.

CXIII. Upon Compliance with the foregoing Requisitions, the Registrar of Joint Stock Companies shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and in the Case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated accordingly, and all Provisions contained in any Deed of Settlement, Act of Parliament, Royal Charter, or Letters Patent, or other Instrument constituting or regulating the Company, shall be deemed to be Regulations of the Company within the Meaning of this Act, and all the Provisions of this Act shall apply to such Company in the same Manner in all respects as if it had been originally incorporated under this Act; subject, nevertheless, to the Reservations herein-after contained with respect to the existing Rights of Creditors and other Persons; and subject to this Proviso, that, except in so far as is herein-after permitted, no

Company constituted by Act of Parliament shall have Power to alter any of the Provisions contained in such Act of Parliament, and no Company constituted by Royal Charter or Letters Patent shall have Power, by Special Resolution or otherwise, to alter any of the Provisions contained in such Charter or Letters Patent, without the Sanction of the Board of Trade.

Power of Company to change Name.

CXIV. Any existing Company may, for the Purpose of obtaining Registration with Limited Liability, change its Name by adding thereto the Word "Limited," or do any other Act that may be necessary.

Certificate to be Evidence of Compliance with Act.

CXV. The Certificate of Incorporation given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under this Act have been complied with, and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Saving Rights of Creditors.

CXVI. The Registration of any existing Company under this Act shall not, nor shall any Act of the Company subsequent to such Registration, prejudice any Right which previously to such Registration has, or which would, if no such Registration had taken place, have accrued to any Creditor or other Person against the Company in its Corporate Capacity, or against any Person then being or having been a Member of such Company, but every such Creditor or other Person shall be entitled to all such Remedies against the Company in its Corporate Capacity, and against every Person then being or having been a Member of such Company, as he would have been entitled to in case such Registration had not taken place.

SCHEDULE.

FORM A.

Section VII.

Memorandum of Association of the "Eastern Steam Packet "Company, Limited."

1st. The Name of the Company is "The Eastern Steam "Packet Company, Limited."

2d. The registered Office of the Company is to be established in England.

3d. The Objects for which the Company is established are, "the Conveyance of Passengers and Goods in Ships or "Boats between such Places as the Company may from Time "to Time determine, and the doing all such other Things as "are incidental or conducive to the Attainment of the above "Object."

4th. The Liability of the Shareholders is "Limited."

5th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.	Number of Shares taken by each Subscriber.
"1. John Jones of in the County of -	200
"2. John Smith of in the County of -	25
"3. Thomas Green of in the County of -	30
"4. John Thompson of in the County of -	40
"5. Caleb White of in the County of -	15
"6. Andrew Brown of in the County of -	5
"7. Cæsar White of in the County of -	10
Total Shares taken - - -	325

Dated the 22d Day of November 1856.

Witness to the above Signatures,
A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

TABLE

Section IX.

TABLE B.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

(1.) No Person shall be deemed to have accepted any Share in the Company unless he has testified his Acceptance thereof by Writing under his Hand, in such Form as the Company from Time to Time directs.

(2.) The Company may from Time to Time make such Calls upon the Shareholders in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Shareholder shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Company.

(3.) A Call shall be deemed to have been made at the Time when the Resolution authorizing such Call was passed.

(4.) If before or on the Day appointed for Payment any Shareholder does not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. per Annum from the Day appointed for the Payment thereof to the Time of the actual Payment.

(5.) The Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Shareholder paying such Sum in advance and the Company agree upon.

(6.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.

(7.) The Company may decline to register any Transfer of Shares made by a Shareholder who is indebted to them.

(8.) Every Shareholder shall, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.

(9.) If such Certificate is worn out or lost, it may be renewed, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe.

(9*a*.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the ordinary General Meeting in each Year.

TRANSMISSION OF SHARES.

(10.) The Executors or Administrators of a deceased Shareholder shall be the only Persons recognized by the Company as having any Title to his Share.

(11.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Shareholder, or in consequence of the Marriage of any Female Shareholder, or in any way other than by Transfer, may be registered as a Shareholder upon such Evidence being produced as may from Time to Time be required by the Company.

(12.) Any Person who has become entitled to a Share in any way other than by Transfer may, instead of being registered himself, elect to have some Person to be named by him registered as a Holder of such Share.

(13.) The Person so becoming entitled shall testify such Election by executing to his Nominee a Deed of Transfer of such Share.

(14.) The Deed of Transfer shall be presented to the Company accompanied with such Evidence as they may require to prove the Title of the Transferror, and thereupon the Company shall register the Transferree as a Shareholder.

FORFEITURE OF SHARES.

(15.) If any Shareholder fails to pay any Call due on the appointed Day, the Company may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with any Interest that may have accrued by reason of such Nonpayment.

(16.) The Notice shall name a further Day, and a Place or

Places, being a Place or Places at which Calls of the Company are usually made payable, on and at which such Call is to be paid: It shall also state that in the event of Nonpayment at the Time and Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.

(17.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been given may be forfeited by a Resolution of the Directors to that Effect.

(18.) Any Shares so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company thinks fit.

(19.) Any Shareholder whose Shares have been forfeited shall, notwithstanding, be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

INCREASE IN CAPITAL.

(20.) The Company may, with the Sanction of the Company previously given in General Meeting, increase its Capital.

(21.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital.

GENERAL MEETINGS.

(22.) The first General Meeting shall be held at such Time, not being more than Twelve Months after the Incorporation of the Company, and at such Place, as the Directors may determine.

(23.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.

(24.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(25.) The Directors may, whenever they think fit, and they shall upon a Requisition made in Writing by any Number of Shareholders holding in the aggregate not less than One Fifth Part of the Shares of the Company, convene an Extraordinary General Meeting.

(26.) Any Requisition so made by the Shareholders shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.

(27.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Shareholders holding the required Number of Shares, may themselves convene a Meeting.

(28.) Seven Days Notice at the least, specifying the Place, the Time, the Hour of Meeting, and the Purpose for which any General Meeting is to be held, shall be given by Advertisement, or in such other Manner, if any, as may be prescribed by the Company.

(29.) Any Shareholder may, on giving not less than Three Days previous Notice, submit any Resolution to a Meeting beyond the Matters contained in the Notice given of such Meeting.

(30.) The Notice required of a Shareholder shall be given by leaving a Copy of the Resolution at the registered Office of the Company.

(31.) No Business shall be transacted at any Meeting except the Declaration of a Dividend, unless a Quorum of Shareholders is present at the Commencement of such Business; and such Quorum shall be ascertained as follows; that is to say, if the Shareholders belonging to the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five; if they exceed Ten there shall be added to the above Quorum One for every Five additional Shareholders up to Fifty, and One for every Ten additional Shareholders after Fifty, with this Limitation, that no Quorum shall in any Case exceed Forty.

(32.) If within One Hour from the Time appointed for the Meeting the required Number of Shareholders is not present, the Meeting, if convened upon the Requisition of the Shareholders, shall be dissolved: In any other Case it shall stand adjourned to the following Day, at the same Time and Place; and if at such adjourned

Meeting the required Number of Shareholders is not present, it shall be adjourned sine die.

(33.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every Meeting of the Company.

(34.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Shareholders present shall choose some One of their Number to be Chairman of such Meeting.

(35.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.

(36.) At any General Meeting, unless a Poll is demanded by at least Five Shareholders, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.

(37.) If a Poll is demanded in manner aforesaid the same shall be taken in such Manner as the Chairman directs, and the result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

VOTES OF SHAREHOLDERS.

(38.) Every Shareholder shall have One Vote for every Share up to Ten; he shall have an additional Vote for every Five Shares beyond the first Ten Shares up to One Hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares.

(39.) If any Shareholder is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator; and if any Shareholder is a Minor he may vote by his Guardian, Tutor, or Curator, or any One of his Guardians, Tutors, or Curators, if more than One.

(40.) If One or more Persons are jointly entitled to a Share or Shares the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.

(41.) No Shareholder shall be entitled to vote at any Meeting unless all Calls due from him have been paid, nor until he shall have been possessed of his Shares Three Calendar Months, unless such Shares shall have been acquired or shall have come by Bequest, or by Marriage, or by Succession to an Intestate's Estate, or by the Custom of the City of London, or by any Deed of Settlement after the Death of any Person who shall have been entitled for Life to the Dividends of such Shares.

(42.) Votes may be given either Personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointer, or if such Appointer is a Corporation, under their Common Seal.

(43.) No Person shall be appointed a Proxy who is not a Shareholder, and the Instrument or Mandate appointing him shall be deposited at the registered Office of the Company not less than Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote; but no Instrument or Mandate appointing a Proxy shall be valid after the Expiration of One Month from the Date of its Execution.

Directors.

(44.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.

(45.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

Powers of Directors.

(46.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not by this Act or by the Articles of Association, if any, declared to be exercisable by the Company in General Meeting, subject nevertheless to any Regulations of the Articles of Association, to the Provisions of this Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

Disqualification of Directors.

(47.) The Office of Director shall be vacated,—

If he holds any other Office or Place of Profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the Profits of any Contract with the Company;

If he participates in the Profits of any Work done for the Company:

But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Shareholder in any incorporated Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

Rotation of Directors.

(48.) At the First Ordinary Meeting after the Incorporation of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.

(49.) The One Third or other nearest Number to retire during the First and Second Years ensuing the Incorporation of the Company shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.

(50.) A retiring Director shall be re-eligible.

(51.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of Persons.

(52.) If at any Meeting at which an Election of Directors ought to take place no such Election is made, the Meeting shall stand adjourned till the next Day, at the same Time and Place; and if at such adjourned Meeting no Election takes place, the former Directors shall continue to act until new Directors are appointed at the first Ordinary Meeting of the following Year.

(53.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.

(54.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

PROCEEDINGS OF DIRECTORS.

(55.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman, in addition to his original Vote, shall have a Casting Vote: A Director may at any Time summon a Meeting of the Directors.

(56.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.

(57.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.

(58.) A Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

(59.) A Committee may meet and adjourn as they think proper: Questions at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an equal Division of Votes the Chairman shall have a Casting Vote.

(60.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

(61.) The Directors shall cause Minutes to be made in Books provided for the Purpose,—

(1.) Of all Appointments of Officers made by the Directors;

(2.) Of the Names of the Directors present at each Meeting of Directors and Committees of Directors;

(3.) Of all Orders made by the Directors and Committees of Directors; and,

(4.) Of all Resolutions and Proceedings of Meetings of the Company, and of the Directors and Committees of Directors.

And any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of Directors, or Committee of Directors, shall be receivable in Evidence without any further Proof.

(62.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and appoint another qualified Person in his stead: The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

DIVIDENDS.

(63.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Shareholders in proportion to their Shares.

(64.) No Dividend shall be payable except out of the Profits arising from the Business of the Company:

(65.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing, or maintaining, the Works connected with the Business of the Company, or any Part thereof; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they, with the Sanction of the Company, may select.

(66.) The Directors may deduct from the Dividends payable to any Shareholder all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.

(67.) Notice of any Dividend that may have been declared shall be given to each Shareholder, or sent by Post or otherwise to his registered Place of Abode, and all Dividends unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.

(68.) No Dividend shall bear Interest as against the Company.

Accounts.

(69.) The Directors shall cause true Accounts to be kept,—

Of the Stock in Trade of the Company;

Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place; and,

Of the Credits and Liabilities of the Company:

Such Accounts shall be kept, upon the Principle of Double Entry, in a Cash Book, Journal, and Ledger: The Books of Account shall be kept at the principal Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Shareholders during the Hours of Business:

(70.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.

(71.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several

Years has been incurred in any One Year the whole Amount of such Item shall be stated, with the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.

(72.) A Balance Sheet shall be made out in every Year, and laid before the General Meeting of the Company, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.

(73.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be delivered at or sent by Post to the registered Address of every Shareholder.

AUDIT.

(74.) The Accounts of the Company shall be examined and the Correctness of the Balance Sheet ascertained by One or more Auditor or Auditors to be elected by the Company in General Meeting.

(75.) If not more than One Auditor is appointed, all the Provisions herein contained relating to Auditors shall apply to him.

(76.) The Auditors need not be Shareholders in the Company: No Person is eligible as an Auditor who is interested otherwise than as a Shareholder in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.

(77.) The Election of Auditors shall be made by the Company at their Ordinary Meeting, or, if there are more than One, at their First Ordinary Meeting in each Year.

(78.) The Remuneration of the Auditors shall be fixed by the Company at the Time of their Election.

(79.) Any Auditor shall be re-eligible on his quitting Office.

(80.) If any casual Vacancy occurs in the Office of Auditor, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.

(81.) If no Election of Auditors is made in manner aforesaid, the Board of Trade may, on the Application of One Fifth in Number of the Shareholders of the

Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.

(82.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.

(83.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and he shall at all reasonable Times have Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.

(84.) The Auditors shall make a Report to the Shareholders upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

NOTICES.

(85.) Notices requiring to be served by the Company upon the Shareholders may be served either personally, or by leaving the same or sending them through the Post in a Letter addressed to the Shareholders at their registered Places of Abode.

(86.) All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons is named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

(87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the District in which the registered Office of the Company is situate.

FORM of BALANCE SHEET referred to in TABLE B.

Dr. BALANCE SHEET of the Co. made up to 18 Cr.

CAPITAL AND LIABILITIES.								
			£	s.	d.	£	s.	d.
I. CAPITAL .	1.	*Showing:* *The total Amount received from the Shareholders; showing also:* (*a.*) *The Number of Shares* . . . (*b.*) *The Amount paid per Share* . . (*c.*) *If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters.* *Any Arrears due from any Director or Officer of the Company to be separately stated.* (*d.*) *The Particulars of any forfeited Shares.*						
II. DEBTS AND LIABILITIES of the Company .	2.	*Showing:* *The Amount of Loans on Mortgage or Debenture Bonds.*						
	3.	*The Amount of Debts owing by the Company, distinguishing—* (*a.*) *Debts for which Acceptances have been given.* (*b.*) *Debts to Tradesmen for Supplies of Stock in Trade or other Articles.* (*c.*) *Debts for Law Expenses.* (*d.*) *Debts for Interest on Debentures or other Loans.* (*e.*) *Unclaimed Dividends.* (*f.*) *Debts not enumerated above.*						
VI. RESERVE FUND . . .		*Showing:* *The Amount set aside from Profits to meet Contingencies.*						
VII. PROFIT AND LOSS .		*Showing:* *The disposable Balance for Payment of Dividend, &c.*						
CONTINGENT LIABILITIES .		*Claims against the Company not acknowledged as Debts.* *Monies for which the Company is contingently liable.*						

PROPERTY AND ASSETS.								
			£	s.	d.	£	s.	d.
III. PROPERTY held by the Company . .	4.	*Showing:* *Immovable Property, distinguishing* . . (*a.*) *Freehold Land* . . . . (*b.*) ,, *Buildings* . . . . . (*c.*) *Leasehold* ,, ...						
	5.	*Movable Property, distinguishing* . . . (*d.*) *Stock in Trade* . . . . (*e.*) *Plant* . . . . *The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.*						
IV. DEBTS owing to the Company . .	6.	*Showing:* *Debts considered good for which the Company hold Bills or other Securities.*						
	7.	*Debts considered good for which the Company hold no Security.*						
	8.	*Debts considered doubtful and bad* . . . *Any Debt due from a Director or other Officer of the Company to be separately stated.*						
V. CASH AND INVESTMENTS	9.	*Showing:* *The Nature of Investment and Rate of Interest.*						
	10.	*The Amount of Cash, where lodged, and if bearing Interest.*						

FORM

FORM C.

Memorandum of Association of the "Patent Stereotype Company, Limited," with Articles of Association annexed. Section 1

Memorandum of Association.

1st. The Name of the Company is "The Patent Stereotype Company."

2d. The registered Office of the Company is to be established in Ireland.

3d. The Objects for which the Company is established are
" the working of a Patent Method of founding and casting
" Stereotype Plates, of which Method John Smith of
" is the sole Patentee."

4th. The Liability of the Shareholders is "Limited."

5th. The Capital of the Company is Two thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

We, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.		Number of Shares taken by Subscribers.
" 1. John Jones of	in the County of .	1
" 2. John Smith of	in the County of .	5
" 3. Thomas Green of	in the County of .	2
" 4. John Thompson of	in the County of .	2
" 5. Caleb White of	in the County of .	3
" 6. Andrew Brown of	in the County of .	4
" 7. Abel Brown of	in the County of .	1
Total Shares taken		18

Witness to the above Signatures,
A.B., No. 20 Bond Street, Middlesex.

Articles of Association of the Patent Stereotype Company, Limited.

" It is agreed as follows:—

" 1st. No Shareholder shall transfer his Shares without the " Consent of the Directors expressed in Writing.

" 2d. If any Shareholder feels aggrieved with the Refusal " of the Directors to allow him to transfer his Shares, the " Matter shall be settled by Arbitration.

" 3d. Calls on the Shares of the Company not considered " as paid-up Shares shall be made at such Time as the Direc- " tors think fit; but no Call shall exceed Ten Pounds per " Share.

" 4th. The Company shall not be obliged to register the " Transferree, under the Regulations numbered Twelve and " Thirteen in the said Table, unless he is approved by the " Directors, but in the event of their disapproving the Matter " may be decided by Arbitration.

" 5th. The Regulations of Table B. as to General Meetings " numbered 22, 23, and 25 shall not apply.

" 6th. The First General Meeting of the Company shall be " held on the First of July next, and subsequent General " Meetings shall be held on the First of July on every suc- " ceeding Year, or if that Day is a Sunday on the succeeding " Monday.

" 7th. An Extraordinary General Meeting may be sum- " moned at any Time by any Two Shareholders of the Com- " pany.

" 8th. All Matters in question between the Shareholders " shall be decided by an Arbitrater appointed by the Man- " chester Chamber of Commerce.

" 9th. The Regulation of Table B. as to Votes of Share- " holders, numbered Thirty-eight, shall not apply, and every " Shareholder shall have One Vote in respect of every Share " that he holds.

" The several Persons herein-after named, Subscribers to " the Memorandum of Association, shall be the First Direc- " tors of the Company; that is to say, John Jones, Thomas " Green, John Thompson, Caleb White, Andrew Brown, and " Abel Brown.

Names and Addresses of Subscribers.

" 1. John Jones of	in the County of
" 2. John Smith of	in the County of
" 3. Thomas Green of	in the County of
" 4. John Thomson of	in the County of
" 5. Caleb White of	in the County of

" 6.

" 6. Andrew Brown of in the County of
" 7. Abel Brown of in the County of
Witness to the above Signatures,
A.B.,
No. 20, Bond Street, Middlesex.

TABLE D.

TABLE OF FEES.

Sect. XII.

	£	s.	d.
For Registration of a Company whose nominal Capital does not exceed 1,000*l.*	5	0	0
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 1,000*l.*, and up to 100,000*l.*, an additional Fee of	0	5	0
For every 1,000*l.* or Part of 1,000*l.* after the First 100,000*l.*, an additional Fee of	0	1	0
For Registration of any Increase in the Capital of a Company for every 1,000*l.* or Part of 1,000*l.*, up to 100,000*l.* in the whole	0	5	0
For every 1,000*l.* or Part of 1,000*l.* beyond the first 100,000*l.*, an additional Fee of	0	1	0
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of	0	5	0

FORM

Section XVI.

FORM E.

Summary of Capital and Shares of the ________ *Company, made up to the* *Day of*

Nominal Capital £ divided into Shares of £ each.
Number of Shares taken up to the Day of
There has been called up on each Share £
Total Amount of Calls received £
Total Amount of Calls unpaid £
Total Amount of Shares forfeited £

List of Persons holding Shares in the Company on the Day of , and of Persons who have held Shares thereon at any Time during the Year immediately preceding the said Day of , showing their Names and Addresses, and an Account of the Shares so held.

Folio in Register Ledger containing Particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Shareholders on the Day of	Additional Shares held by existing Shareholders during preceding Year		Shares held by Persons no longer Shareholders.		
						Number.	Date of Transfer.	Number.	Date of Transfer.	

FORM

FORM F.

Form of Transfer of Shares.

Section XIX.

I of (a) in considera-
tion of the Sum of paid to me by
of do hereby
transfer to the said Share [*or* Shares],
numbered in "The
Company" standing in my Name in the Books of the Company, to hold unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said
do hereby agree to take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands, the Day of

(a) These Words will be omitted if no Consideration is paid.

FORM G.

Licence to hold Lands.

Section XXXVIII.

The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations hereby license the "
Association, Limited," to hold the Lands hereunder described [*insert Description of Lands*]. The Conditions of this Licence are [*insert Conditions, if any*].

FORM H.

For England and Ireland.

Section XLII.

Indenture of Mortgage made between the "London Gas Company, Limited," of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

Section XLIII.

FORM I.

For Scotland.

Bond and Disposition in Security by the "Edinburgh Gas Company, Limited," to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every year:

Therefore, for securing the said Advance and Interest, the said Company hereby dispone to the said "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands); and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns: The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

CAP. XLVIII.

CAP. XLVIII.

An Act for amending the Procedure before Magistrates and Justices of Peace in Scotland.—[14*th* July 1856.]

WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Twenty-nine, intituled *An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in* Scotland ; and another Act was passed in the Eleventh Year of the Reign of His said Majesty and the First Year of the Reign of King *William* the Fourth, Chapter Thirty-seven, intituled *An Act to amend an Act of the Ninth Year of His late Majesty King* George *the Fourth, to facilitate Criminal Trials in* Scotland, *and to abridge the Period now required between the pronouncing of Sentence and Execution thereof in Cases importing a Capital Punishment:* And whereas it is expedient to facilitate the Procedure in Prosecutions for Offences before the Magistrates of Royal Burghs and before Her Majesty's Justices of the Peace in *Scotland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

9 G. 4. c. 29.

11 G. 4. & 1 W. 4. c. 37.

Pleadings, &c. need not be reduced to Writing in certain cases.

I. Where the Prosecutor shall in his Libel conclude for a Fine not exceeding Five Pounds, exclusive of the Costs of the Prosecution, which the said Magistrates and Justices are hereby empowered to give, or for Imprisonment not exceeding Thirty Days, accompanied, when necessary, with Caution for good Behaviour or to keep the Peace for a Period not exceeding Three Months, and under a Penalty not exceeding Ten Pounds, it shall be lawful to try such Offences without the Pleadings or Evidence being reduced into Writing: Provided always, that a Record shall be preserved of the Charge and of the Judgment, including the Names of the Witnesses examined on Oath, unless where the accused pleads Guilty, which shall be made to appear on such Record.

Forms of Procedure, &c. in such Cases.

II. The Forms of Procedure and Regulations applicable to such Trials shall be those which are established by the said recited Acts in regard to the summary Trial of Offences before the Sheriffs of Counties, and the Note of the Evidence to be taken on such Trials shall be made by the Clerk of Court, and shall be initialed at the End of each Witness's Evidence by the presiding Magistrate or Justice.

III. The

14 & 15 Vict. c. 27. as to Whipping, &c., and 17 & 18 Vict. c. 86., to apply to this Act.

III. The Provisions of the Act Fourteen and Fifteen *Victoria*, Chapter Twenty-seven, in regard to the Whipping of Juvenile Offenders, and in regard to Sentences to Hard Labour, and the Provisions of the Act Seventeen and Eighteen *Victoria*, Chapter Eighty-six, shall extend and apply to Sentences pronounced under this Act.

Writers elected to Office of Magistrates may act as Justices of the Peace.

IV. Any Writer, Attorney, Procurator, or Solicitor who may be elected to the Office of Magistrate or Dean of Guild of any Burgh, the Magistrates or Dean of Guild of which are *ex officiis* Justices of the Peace by virtue of their Election to such Offices, shall, so long as he holds any such office, be entitled to act as a Justice of the Peace, provided he intimates to the Clerk of the Peace for the County in which such Burgh is situated that he and any Partner or Partners in Business with him cease to practice before any Justice of the Peace Court in such County, so long as he continues to hold such Office as aforesaid; and it shall not be lawful for him or them thereafter and during his Continuance in Office, so to practise.

Act not to supersede Local Acts.

V. Nothing in this Act contained shall be held to supersede the Provisions of any Local Act regulating the Procedure before Magistrates or Justices of the Peace in any Burgh or County.

CAP. XLIX.

Expired

An Act to continue certain Turnpike Acts in Great Britain.—[14*th* July 1856.]

CAP. L.

An Act to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, and to other beneficial Purposes; and for giving other Powers to such Persons.—[14*th* July 1856.] (England and Wales.)

CAP. LI.

CAP. LI.

An Act to permit the Use of Rice in the Distillation of Spirits.—[14*th* July 1856.]

Repealed by 23 & 24 Vict. c. 114. s. 202, but see 25 & 26 Vict. c. 84, s. 2.

WHEREAS under and by virtue of the Laws now in force relating to the Distillation of Spirits licensed Distillers may lawfully make or brew Worts or Wash and distil Spirits from Malt, Corn, or Grain, or any mixture thereof, or from Potatoes only, or from Mangel Wurzel only, or from Sugar, Molasses, or Treacle, or any Mixture thereof, either alone or with Malt, Corn, or Grain: And whereas it is expedient to permit the Distillation of Spirits from Rice, or from any Mixture of all or any of the Articles or Materials aforesaid with or without Rice: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to distil Spirits from Rice, &c.

I. From and after the passing of this Act it shall be lawful for any licensed Distiller in any Part of the United Kingdom to make or brew Worts or Wash and to distil Spirits from Rice, or from any of the several Articles or Materials aforesaid, or from any Mixture of all or any of the same, with or without Rice, anything contained in any former Act or Acts to the contrary notwithstanding.

How Duty to be charged in respect of Sugar used with other Materials.

II. Provided always, That where Sugar mixed with all or any of the other Materials aforesaid shall be used in the Distillation of Spirits, the Distiller shall be chargeable and charged with the Duty on Spirits, in respect of such Sugar in the Manner and after the Rate or Proportion specified in the Third Section of the Act passed in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter One hundred, with regard to Sugar used with any Mixture of Grain, Molasses, and Treacle.

CAP. LII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[14*th* July 1856.]

Expired.

CAP. LIII.

CAP. LIII.

An Act for confirming a Scheme of the Charity Commissioners for the Endowed School at Moulton *in the County of* Lincoln.—[14*th* July 1856.]

CAP. LIV.

An Act to facilitate the Despatch of Business before Grand Juries in England *and* Wales.—[14*th* July 1856.]

CAP. LV.

An Act for transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for England.—[21*st* July 1856.]

CAP. LVI.

An Act to constitute the Court of Session the Court of Exchequer in Scotland, *and to regulate Procedure in Matters connected with the Exchequer.*—[21*st* July 1856.]

WHEREAS the Practice and Procedure in the Court of Exchequer in *Scotland* have been found inconvenient and troublesome, and it is expedient that the whole Power, Authority, and Jurisdiction at present belonging to the Court of Exchequer should be transferred to and vested in the Court of Session in *Scotland*, and that Provision should be made for the due Administration of Justice by the Court of Session in Exchequer Cases, and for all relative and necessary Proceedings in such Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Court of Session to be the

I. The whole Power, Authority, and Jurisdiction at present belonging to the Court of Exchequer in *Scotland*, as at present

sent constituted, shall be transferred to and vested in the Court of Session, and the Court of Session shall be also the Court of Exchequer in *Scotland.*

Court of Exchequer in Scotland.

II. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to nominate and appoint One of the Lords Ordinary in the Outer House of the Court of Session to be Lord Ordinary in Exchequer Causes under this Act; and the Lord Ordinary to be so appointed shall, unless where otherwise expressly allowed by this Act, be the sole Lord Ordinary in all Causes to be instituted or carried through before the Court of Session by virtue of this Act, and shall continue to act as Lord Ordinary in all such Causes so long as he shall continue a Lord Ordinary in the Outer House, or until another Lord Ordinary shall be nominated as aforesaid to act as Lord Ordinary in Exchequer Causes in his Room and Stead; and, unless where otherwise expressly provided by this Act, all proceedings in Exchequer Causes under this Act shall be brought in the first instance before such Lord Ordinary.

One of the Lords Ordinary in the Court of Session to be Lord Ordinary in Exchequer Causes.

III. It shall be competent to the Lord Ordinary in Exchequer Causes at any Time, as well in Vacation or Recess as during the Sittings of the Court of Session, and on any Day or Days of the Year, whether Sederunt Days of the Court of Session or not, to entertain and dispose of all Matters of a summary Nature, or which may appear to the Lord Ordinary to require Despatch, being within his Competency under this Act, and also to try any Cause under this Act, and to pronounce Judgment therein, and in case of the Absence or Inability of the Lord Ordinary, any Duties devolving on him under this Act may, during such Absence or Inability, be performed by any other Lord Ordinary of the Court of Session acting in his Room and Stead.

Lord Ordinary in Exchequer Causes may act in Vacation as well as during Session; and in his Absence any other Lord Ordinary may act in his Room.

IV. The Depute and Assistant Clerks of Session attached to the Lord Ordinary in Exchequer Causes shall be Clerks in all such Causes in the Outer House; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such Assistant Clerk of Session, in respect of the Increase of his Duties under this Act, an annual Allowance not exceeding Fifty Pounds *per Annum,* in addition to his ordinary Salary; and such Allowance shall be paid out of any Monies which may from Time to Time be voted by Parliament for that Purpose.

Clerks to the Lord Ordinary in Exchequer Causes to be Clerks in such Causes; and additional Salary granted.

V. It shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to commence any such Cause by issuing or causing to be issued against the Defender a Subpœna in the Form, as nearly as may be, of Schedule A. hereunto

Exchequer Causes may be commenced by Subpœna.

annexed, which Subpœna may be served upon the Defender and Execution of Service returned in the like Manner as any ordinary Summons before the Court of Session may be served and Execution thereof returned: provided that such Service may be made either by a Messenger-at-Arms, or Sheriff Officer, or by an Excise Officer or other Officer of the Department of Inland Revenue, or any Officer of the Customs.

Subpœna to be called in Court as a Summons, and Procedure thereon.

VI. On the Expiration of the Induciæ of any such Subpœna, such Subpœna may be called in the Court of Session, and thereafter enrolled, in the like Manner as any ordinary Summons; and the Lord Ordinary shall, at the Outset of the Cause, unless the Information to which such Subpœna relates be then produced and lodged in Process, pronounce an Interlocutor allowing such Information to be lodged in Process, and no further Proceeding shall take place until such Information be lodged; and upon such Information being lodged a Copy thereof shall be served upon the Defender, unless such Service shall have been previously made; and the Transmission of such Copy through the Post, addressed to his known Residence or Place of Business, shall be deemed sufficient Service: and a Certificate by any One Person, written on the Information itself and signed, bearing that a Copy thereof has been served upon the Defender, shall be *primâ facie* Evidence of such Service having been duly made; and after the Information shall have been served as aforesaid, the Lord Ordinary shall, if the Defender shall admit the Truth of the Information, or of such Part thereof as may be insisted in against him, or do not appear, give Decree in Terms of the said Information, so far as the same shall be insisted in; and if the Defender shall appear, and shall not admit as aforesaid, the Lord Ordinary shall appoint a Day for hearing the Parties upon such Information, where this may appear to him to be necessary, or shall appoint a Day for trying the Matters put in Issue by such Information, without any Adjustment of any separate Issue or Issues, or shall take such other Course as to him may seem proper; and where a Day shall be so appointed for Trial, a common or Special Jury (where a Special Jury shall be applied for and granted) shall be summoned and empanelled, as in any ordinary Jury Cause before the Court of Session to be tried by a Lord Ordinary in the Outer House; and the Lord Ordinary in Exchequer Causes shall preside at such Trial, and at all other Trials of Exchequer Causes under this Act, unless in any particular Case, upon a special Request by such Lord Ordinary to that Effect to either of the Two Divisions of the Court of Session, another Lord Ordinary shall be appointed to preside in his Stead; and the Verdict of the Jury may be in one or other of the Forms in the Schedule C. hereunto annexed or in such other Form as may be applicable to the Case, and shall be subject to the Provisions of the Act of the Seventeenth and Eighteenth of Queen *Victoria*, Chapter Fifty-nine; and on such Verdict being given the Lord Ordinary presiding at the Trial shall pronounce Decree in conformity therewith, and as may be just and according to Law.

Form of Information in Causes commenced by Subpœna.

VII. Every Information to be lodged in terms of this Act shall be in the Form, as nearly as may be, of the Schedule B. hereunto annexed; and it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to amend his Information at any Time before Verdict; provided that no such Amendment shall be made by the Lord Advocate after a day has been fixed for Trial, unless upon payment to the Defender of his Expenses previously incurred: Provided also, that it shall not be necessary to mention in any Information any Act of Parliament other than the Act imposing any Penalty or Duty claimed, or creating any Debt sought to be recovered; and provided further, that, notwithstanding the Terms of any such Information, it shall not be incumbent to prove against the Defender, in order to recover under such Information, any Matters stated therein, except only such Matters as are by Law required to be proved in order to the Forfeiture of the Penalty, or the Recovery of the Duty or Debt, or the Condemnation of the Seizure sought for.

Special Case may be lodged where Parties agreed upon the Facts.

VIII. Where in any such cause commenced by Subpœna as aforesaid the Parties shall be agreed upon the Facts, and shall dispute only on the Law, it shall be competent for them to lodge in Process a Special Case, signed by themselves or their Counsel, setting forth the Facts on which they are so agreed and upon which the Question of Law arises, and such Special Case shall be equivalent to a Special Verdict finding such Facts, and raising a Question of Law for the Lord Ordinary.

Procedure in Cases commenced by Subpœna, so far as not expressly provided, how to be regulated.

IX. The Procedure in all Cases commenced by Subpœna as aforesaid shall, in so far as not specially provided for by this Act, be regulated by the Lord Ordinary, subject to any Rules and Regulations to be framed as after mentioned, in such Way and Manner as to the Lord Ordinary shall seem proper and expedient; and, in so far as not so regulated, shall be conducted as nearly as may be in conformity with the Procedure before the Court of Session in ordinary Actions; provided that Protestation shall not be applicable to any such Cases, nor shall any Record require to be made up by Defences, or revised Condescendence and Defences, or to be closed; provided also, that no such Cases shall fall asleep, or require to be wakened; but when any Exchequer Cause shall have lain over for such Period after the passing of this Act as in the Case of any ordinary Action before the Court of Session would have rendered such ordinary Action a sleeping Process, such Exchequer Cause shall not be moved in by the Lord Ordinary or the Court until the Expiration of Ten Days from the Date of written Notice being given by the Pursuer or Defender to the opposite Party in the Cause that the Cause is to be further proceeded with.

Proceedings may be commenced by Summons in place of Subpœna; and Procedure under Summons to be the same as in Ordinary Court of Session Cases.

X. It shall be competent to the Lord Advocate, on the Behalf of Her Majesty, in place of proceeding by Subpœna and Information as herein-before provided, to commence any such Cause by a Summons in one or other of the Forms in Use in the Court of Session for the Time being; and Proceedings may also be taken by Summons as aforesaid at the Instance of any Person or Persons alleging a Ground of Action against the Crown; and where such Cause shall be commenced by Summons, the whole Proceedings shall be conducted throughout as nearly as may be in the like Way and Manner as in Causes depending before the Court of Session, other than Exchequer Causes; and every such Summons to be raised on the Behalf of Her Majesty may contain Warrant to arrest on the Dependence; and all Diligence shall be competent upon every such Summons to be raised on the Behalf of Her Majesty, and upon any Warrant to arrest on the Dependence contained therein, and with such and the like Operation and Effect as upon any ordinary Summons, or Warrant to arrest on the Dependence contained therein before the Court of Session, according to the Law and Practice in Use in the said Court for the Time in ordinary Causes.

Procedure in cases of Seizure.

XI. Where any Seizure shall be made by any Officer entitled to make such Seizure, where Judicial Condemnation thereof shall be requisite in the Court of Session, an Appraisement of the Articles comprehended therein shall be made in the Form, as nearly as may be, of the Schedule D. hereunto annexed; and such Appraisement shall be lodged in the Office of the Clerk of Court attached to the Lord Ordinary within Thirty Days after such Seizure, and such Appraisement of Seizure shall be included by the said Clerk of Court, and published in the Weekly Calling List of the Court of Session not later than Fourteen Days after being lodged with him as aforesaid; and a Claim for the Articles comprehended in such Seizure, or any of them, in the Form, as nearly as may be, of the Schedule E. hereunto annexed, may be lodged with the said Clerk of Court at any Time within eight Days from the Date of the Calling of such Appraisement as aforesaid; and it shall be competent to the

Lord Advocate, on the Behalf of Her Majesty, or to the Party claiming such Seizure, to enrol such Appraisement of Seizure in the Weekly Roll of Court of Session Causes at any Time after the Expiration of the said Eight Days; and at the calling of such Appraisement in the said Weekly Roll, if no Claim to such Seizure shall have been lodged, the Lord Ordinary shall pronounce Decree of Condemnation of such Seizure, and thereupon such Seizure shall belong to and be at the Disposal of the Crown; and if a Claim to such Seizure shall have been lodged as aforesaid, the Lord Ordinary shall pronounce an Order upon the Lord Advocate to lodge an Information of Seizure on the Behalf of Her Majesty; and, upon such Information of Seizure being lodged, the Procedure shall thenceforward be conducted, as nearly as may be, in the like Manner as in ordinary Causes commenced by Subpœna and Information, in Terms of this Act.

Procedure in lieu of Writs of Capias, &c.

XII. Where any Cause may, at the Date of the passing of this Act, be competently commenced before the Court of Exchequer by Writ of Capias, or where, at the Date of the passing of this Act, it is competent to apprehend the Defender or Person complained of, in order that he may find Security to appear and answer, or to pay the Penalties, Duties, or Debt sought to be recovered, it shall be competent to pray or conclude in any Information, Summons, or Proceeding to be raised under this Act for Warrant to apprehend such Defender or Person complained of; and such Warrant shall be granted by the Lord Ordinary on Production to him at any Time, whether during Session or not, of the Information or other Writ containing such Prayer or Conclusion, although the same may not have been served, or called, or enrolled; and in every such Case the Defender, or Person complained of, when apprehended, shall be bound with Two sufficient Sureties, to the Satisfaction of the Prosecutor or of the Lord Ordinary, to appear and answer in the Proceeding brought against him as aforesaid, and to pay the Penalties, Duties, or Debt sought to be recovered, if he shall be found liable therein, or such Sum or Sums as under such Proceeding he may be found liable to pay; and failing his finding such Security, the Lord Ordinary shall grant Warrant for detaining him in Prison, and he shall be detained in Prison accordingly, until such Security be found, or until the Issue of such Proceeding, or until he be liberated in due Course of Law.

Procedure in lieu of Writs of the Pipe.

XIII. In all Cases where, according to the Practice of the Court of Exchequer at the Date of the passing of this Act, any Rentcharges or Penalties may be levied by Process of the Pipe, it shall be competent for the Lord Ordinary in Exchequer Causes, and he is hereby required, upon the Production to him of a Certificate by any Person charged with the Recovery or Collection of such Rentcharges or Penalties, setting forth that any such Rentcharge or Penalty is due, and the Amount and other Particulars thereof, and the Party or Parties indebted therein, and that he has been unable to recover the same, to issue *ex parte*, and without the Form of any written Application, a Decree decerning and ordaining such Party or Parties to make Payment of such Rentcharge or Penalty; provided, that all Penalties which may be incurred in One County or Stewartry may be included in One Decree and Charge: Provided also, that any Charge to be given on such Decree, or any Diligence following thereon, may be brought under Suspension by the Party against whom the same is directed, but no such Suspension shall be competent before a Charge has been given.

Procedure in lieu of Injunction. XIV. In all Cases in which, if occurring at the Date of the passing of this Act, any Person or Persons would be liable to be stayed by Injunction furth of the Court of Exchequer, whether in respect of such Person or Persons prosecuting or threatening to prosecute before any Court other than the Court of Exchequer in any Matters connected with the Revenue, or with the Proceedings of Officers of the Revenue, or in any other Matters as to which exclusive Jurisdiction is at present possessed by the Court of Exchequer, or otherwise, it shall be competent to apply to the Lord Ordinary in Exchequer Causes to restrain such Person or Persons by Interdict from following out such Prosecution in another Court or otherwise, according to the Circumstances of the Case: and such Application may be made by a Note of Interdict having a Statement of Facts and Note of Pleas in Law appended thereto, all as nearly as may be in the Form at present in Use in the Court of Session; and such Note of Interdict shall be lodged in the Office of the Clerk of Court attached to the said Lord Ordinary, and shall be forthwith submitted by such Clerk to the said Lord Ordinary, who may thereupon at once grant Interdict or at once refuse to grant it, or appoint such Note of Interdict in the first place to be served, and if need be to be answered, or Parties to be heard thereon with or without Answers, and may thereupon give Decree granting or refusing Interdict, or may take such other Course in regard to such Application for Interdict as to him may seem proper; provided, that where Interdict shall be granted as aforesaid with reference to any Cause requiring to be instituted within a limited Time, or which, if not instituted within a limited Time, may be competently objected to as not timeously brought, the Time which may have elapsed between the Date of the

Service of such Interdict and the Date of the Institution of such Cause to which such Interdict relates, with Ten free Days in addition thereto, shall be added to the Period limited as aforesaid, and such Cause shall be deemed and taken to be timeously brought, if instituted at any Time within such extended Period.

Procedure in lieu of Mandamus.

XV. In all Cases where, at the Date of the passing of this Act, it would be competent to apply to the Court of Exchequer for a Rule upon any Person or Persons to show Cause why a Mandamus should not issue against such Person or Persons, directing him or them to do any Act or to perform any Duty, and for such Court of Exchequer, failing such Cause being shown, to issue a Mandamus against such Person or Persons to the effect aforesaid, it shall be competent to apply to the Lord Ordinary in Exchequer Causes by summary Petition, setting forth briefly the Facts on which the Application is based, for an Order on such Person or Persons decerning and ordaining him or them to do the Act, or to perform the Duty which he or they is or are refusing or neglecting to do or perform; and in the event of the Failure of such Person or Persons to conform and to implement the Terms of said Order, to pay conjointly and severally, or jointly, or otherwise as to the Lord Ordinary may seem fit, such Sum or Sums of Money as may be reasonably demanded in respect of such Failure, and that either in lieu of or by way of Fine or Penalty over and above Performance; and the Lord Ordinary shall order Service of such Petition on such Person or Persons as he may deem proper, and may, if he sees fit, appoint Answers to be lodged to such Petition, or Parties to be heard thereon, with or without Answers, and may thereupon give Decree granting or refusing the Prayer of such Petition, or may take such other Course with regard thereto as to him may seem proper; provided that it shall be competent to the Lord Ordinary to prescribe what shall be deemed good Service of any Order, Interlocutor, or Decree which may be pronounced by him upon any Person or Persons who may be affected thereby.

Procedure on Affidavit of Danger.

XVI. Where in any Case any Officer of the Revenue shall make Affidavit that a Debt or Duty is due to the Crown by a Crown Debtor believed to be or to have died insolvent, and shall state in such Affidavit any reasonable Ground for such Belief, and that there is Danger of Loss to the Crown or Revenue with respect to such Debt or Duty, it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to present a summary Petition to the Lord Ordinary, setting forth that such Debt or Duty is resting owing, and that such Affidavit of Danger has been made, producing such Affidavit along with such Petition, and the Lord Ordinary may thereupon, without further Evidence or Inquiry, issue *ex parte* a

Summary Act and Decree decerning and ordaining such Crown Debtor to make Payment of such Debt or Duty; provided that any Charge given or threatened to be given on such Decree, or any Diligence following thereon, may be brought under Suspension by such Crown Debtor, or his Representatives, or any others in his Right.

Procedure in lieu of Writs of Habeas and Certiorari.

XVII. In all Cases where, at the Date of the passing of this Act, a Writ of Habeas or a Writ of Certiorari might have competently issued from the Court of Exchequer to the Effect of removing any Proceedings before, or Warrant granted or issued by any Inferior Court or Magistrate or Public Officer to the said Court of Exchequer, in order to Examination, it shall be competent to the Party against whom such Warrant is directed, or to either of the Parties to such Proceedings, to bring up such Warrant or Proceedings to the Court of Session sitting as the Court of Exchequer, to the like Effect as by such Writ of Habeas or Writ of Certiorari before the passing of this Act, and that by lodging in the Office of the Clerk of Court attached to the Lord Ordinary in Exchequer Causes a Note of Appeal, in the Form or as nearly as may be in the Form of the Schedule F. hereunto annexed; and such Note of Appeal shall be forthwith submitted by such Clerk of Court, in a summary Way to the Lord Ordinary, who may thereupon at once direct such Warrant or Proceedings to be transmitted to the Court of Session, or may at once refuse to give such Direction or to entertain such Appeal; or, if he sees fit, may order such Note of Appeal to be served upon the Inferior Magistrate or Magistrates, or Public Officer or Officers, or upon the opposite Party, or both, and them or either of them to lodge Answers to such Appeal; and may also, if he sees fit, order Parties to be heard upon such Note of Appeal, with or without Answers; and may thereupon pronounce such Orders or Decrees as he may deem proper upon the Matters raised by such Appeal; and in particular may either dismiss such Appeal, and remit back simpliciter the Warrant or Proceedings, or may give Decree quashing or setting aside the Warrant, or quashing or setting aside the Proceedings, in whole or in part, and may give such Directions to such Inferior Court or Magistrate or Public Officer, with regard to his or their Proceedings, as may be just; provided that every Clerk of an Inferior Court or other Public Officer having in his Hands or under his Control any such Warrant or Proceedings shall, on Receipt of a Copy certified by any Depute or Assistant Clerk of Session of any Interlocutor of the Court of Session or of the Lord Ordinary in Exchequer Causes, directing such Warrant or Proceedings to be transmitted to the Court of Session or to the Lord Ordinary, be bound forthwith to transmit such

Warrant or Proceedings with a proper Inventory thereof certified by him to be correct, to the Office of the Clerk of the Court of Session attached to the Lord Ordinary; and where any such Warrant or Proceedings so transmitted to the Court of Session or to the Lord Ordinary shall be remitted back, it shall be the Duty of the Clerk of the Court of Session to retransmit the same to the Clerk of such Inferior Court or other Public Officer from whom they were received.

As to Performance of certain Duties of Court of Exchequer heretofore performed under 10 & 11 Vict. c. 51.

XVIII. The Duties heretofore performed by or incumbent on the Judges of the Court of Exchequer, under and by virtue of an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Practice in* Scotland *with regard to Crown Charters and Precepts for Chancery*, shall be performed by the Lord Ordinary in Exchequer Causes.

Duties of Court of Exchequer in Appointment of Tutors Dative to be performed by Inner Houses of Session.

XIX. The Duties heretofore performed by or incumbent on the Court of Exchequer with regard to the Nomination, Appointment, or Control of Tutors Dative shall be performed by the Court of Session acting as the Court of Exchequer in *Scotland*, upon Applications for such Nomination or Appointment to be made to either of the Divisions of the said Court by way of summary Petition; and the Procedure under such Petitions may be, as nearly as may be, the same as under other summary Petitions to the said Court, but may be regulated and varied from Time to Time in such Way and Manner as to the said Court may seem proper.

Interlocutors in Exchequer Causes may be reclaimed against, and appealed, as if pronounced in ordinary Court of Session Causes.

XX. All Interlocutors of the Lord Ordinary in Exchequer Causes shall be subject to Review of either Inner House of the Court of Session; and all such Interlocutors, and all Interlocutors of the Inner House in Exchequer Causes, shall be subject to Appeal to the House of Lords, in the like Manner, and to the same Extent and Effect, and under the same Rules and Regulations as any Interlocutor of a Lord Ordinary or of the Inner House in any ordinary Cause before the Court of Session.

Suspension, where competent, to be by Note in the Bill Chamber in common Form; and when

XXI. Any Suspension may be competently brought at the Instance or on the Behalf of Her Majesty, or of any Subject, of any Decree, Charge, threatened Charge, or Diligence whatever in any Cause or Matter connected with the Exchequer, in the like Manner and to the same Extent and Effect as if such Decree, Charge, threatened Charge, or Diligence were in Causes or Matters connected with any ordinary Court of Session Process or Procedure; and the Application for such Suspension may be made in the Bill Chamber by Note of Suspension in ordinary Form, and the Proceedings under the same shall thereafter be conducted as in any ordinary Court of Session Process of the like Nature; provided that, on any such Note of Suspension

Note passed Case to depend before Lord Ordinary in Exchequer Causes.

Suspension being passed and enrolled the Lord Ordinary in Exchequer Causes shall be the Lord Ordinary in such Process.

The Lord Advocate to sue and be sued on behalf of Her Majesty.

XXII. All Causes which shall be brought on the Behalf of the Crown in Terms of this Act shall be at the Instance of the Lord Advocate on the Behalf of Her Majesty: and it shall be competent for any Person alleging any Ground of Action against the Crown, which at the Date of the passing of this Act was cognizable by the Court of Exchequer as at present constituted, to call the Crown, by calling the Lord Advocate as Defender or Respondent on the Behalf of Her Majesty; and all Interlocutors or Decrees which shall be pronounced in any such Cause shall be binding upon Her Majesty and Her Royal Successors as upon the other Parties thereto; and where in any such Cause any Decree shall be obtained against the Lord Advocate on the Behalf of Her Majesty, Payment of any Money contained in such Decree shall be made, and such Decree shall be otherwise implemented by the Commissioners of Her Majesty's Treasury, or by such Board of Revenue or other Department as in the Opinion of the Lord Advocate ought properly to make such Payment or Implement: and the Person obtaining such Decree shall be entitled to demand from the Lord Advocate a Certificate of his Opinion accordingly, but shall not be entitled to put such Decree in farther Execution against the Lord Advocate.

Privilege of Audience preserved to the Crown.

XXIII. In all Causes which shall be brought under this Act the Lord Advocate shall, in pleading on the Behalf of the Crown, whether before the Court or a Jury, have the Privilege of being heard last, according to the present Practice of the Court of Exchequer.

Costs may be given for and against the Crown.

XXIV. In all Causes which shall be instituted under this Act before the Court of Session acting as the Court of Exchequer in *Scotland*, and in all Causes presently depending, or which shall come to depend, before any Civil Court in *Scotland*, at the Instance or on the Behalf of the Crown, against any Person or Persons, or against the Crown at the Instance of any Person or Persons, the Crown, or the Lord Advocate or other Person or Persons suing on its Behalf, shall be entitled, when Decree shall be given for the Crown, to move for and recover Expenses of Process, in the like Manner as and under the like Rules, Regulations, and Provisions as are or may be in force touching Expenses of Process in Proceedings between Subject and Subject; and, where in any Cause, whether to be brought under this Act, or presently depending, or which may come to depend before any Civil Court in Scotland, Decree shall be given against the Crown, the Subject obtaining such Decree shall be entitled to move for and, if awarded, to recover Expenses of Process in the like Manner and subject to the like Rules, Regulations, and Provisions as aforesaid; and it shall also be competent to recover Expenses of Diligence to which the Crown is a Party in the like Manner and to the like Extent as such Expenses may be recovered in Cases between Subject and Subject.

Exchequer Causes to have Precedence of all others.

XXV. All Causes which shall be brought in Terms of this Act shall be deemed and treated as Summary Causes, and shall be denominated Exchequer Causes, and as such be placed at the Head of every Roll of Causes in which they appear, both in the Inner and Outer House, and shall at all Times take Precedence of and have Preference over all other Causes whatsoever.

Sittings of the Court of Session to be held to correspond with existing Exchequer Terms.

XXVI. That Part of the Winter Sittings of the Court of Session which precedes the *Christmas* Recess, and that Part of such Sittings which follows such Recess, and the Summer Sittings of the Court of Session, shall be held to correspond with the Terms heretofore observed in the Court of Exchequer.

Certified Copies of Interlocutors, equivalent to Extracts, except in order to Diligence.

XXVII. It shall not be necessary in any Cause to be instituted under this Act to extract any Interlocutor, Order, Act, or Warrant to be pronounced therein, unless for the Purpose of proceeding with Diligence thereon; and a Copy of any such Interlocutor, Order, Act, or Warrant, certified under the Hand of any Principal Depute or Assistant Clerk of Session to be a true Copy, shall be equivalent to a formal Extract thereof; provided that no Diligence shall proceed except upon a formal Extract.

Minute Book dispensed with as to Extracts of Exchequer Decrees; such Extracts to have Priority in the Extractor's Office; and such Extracts, and also Extracts of registered Bonds to Her Majesty, to be in ordinary Form; ex

XXVIII. All Decrees to be pronounced under this Act by either Division of the Court of Session sitting as the Court of Exchequer, shall be extracted by the Extractor of the Court of Session without abiding the Expiration of the Days of the Minute Book, which are hereby dispensed with; and such Extractor shall give to all Extracts in Exchequer Causes Preference and Priority in the Preparation thereof over all other Business in his Office; and such Extracts, and also the Extracts of all Decrees proceeding upon Bonds, or other Obligations to Her Majesty, on which Execution may competently proceed, registered in the Books of Council and Session or in the Books of any Sheriff Court, shall be as nearly as may be in ordinary Form, so far as such Form may be consistent with the Provisions of this Act; except that in the Case of Extracts of Decrees proceeding upon Bonds and other Obligations to Her Majesty, registered as aforesaid, and also in the Case of Extracts of such Decrees as aforesaid decerning for Payment of any Penalty, Duty, or Debt due to Her Majesty, the Extractor shall insert in the Extract a Warrant to Sheriffs to charge and execute Diligence, in Terms as nearly as may be of the Schedule cept that Warrant to charge to be in Form scheduled.

dule G. hereunto annexed, in lieu of the Warrant to Charge and for Diligence in Use in Ordinary Cases: and such Extract shall be a sufficient Warrant to any Messenger-at-Arms or Sheriff Officer to execute Charge, Arrestment, and Poinding in Terms thereof.

Exchequer Decrees to be put in Execution by Sheriffs.

XXIX. It shall be the Duty of every Sheriff to whose Hands any such Extract shall be intrusted for that Effect by any Public Officer on the Behalf of Her Majesty to put the same to Execution with all due Despatch, and to take all such lawful and proper Measures as by such Public Officer may be required, in order to enforce by means thereof, Payment of the Monies, if any, decerned for, and full Implement of the Decree; and it shall be lawful to any such Sheriff to recover and take Payment, on the Behalf of Her Majesty, of the Contents of any such Decree, and upon Payment or Implement in Terms thereof, in whole or in part, to discharge such Decree, but that only to the Extent to which Payment or Implement shall have been obtained by him as aforesaid; and every such Sheriff shall, on the Receipt by him of any Money on the Behalf of Her Majesty, under such Decree, be bound to account for and pay over the same to the Public Officer from whom he received the Extract as aforesaid, or to some other Public Officer or Department entitled to receive the same on the Behalf of Her Majesty.

Sheriff may arrest on Extract Decree; and such Arrestment shall transfer to the Crown the arrested Fund.

XXX. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause Arrestment to be used thereon in the Hands of any Person in ordinary Form; and such Arrestment shall operate to transfer to the Crown, preferably to all other Creditors of the Crown Debtor, all Right to and Interest in the arrested Fund, competent to the Crown Debtor, to such Extent as may be requisite to satisfy and pay the entire Debt due to the Crown, including Interest and Expenses; and every Person in whose Hands any such Arrestment shall be used on the Behalf of Her Majesty shall be entitled, and be in Safety, to pay to such Sheriff on the Behalf of Her Majesty all Funds in his Hands at the Date of such Arrestment belonging to the Crown Debtor, to any Extent not exceeding the Amount of the Crown Debt with Interest and Expenses, without abiding the Institution of any Process of Furthcoming, or any Decree therein; and if such Payment be not made, it shall be competent to the Crown to follow up such Arrestment by Furthcoming, and also to pursue and do Diligence against the Party indebted to such Crown Debtor, to the full Extent of the Debt due by such Party, as if the Crown stood specially and lawfully assigned into the Debt so due, and into all Bonds, Bills, and Obligations held by the Crown Debtor therefor, and as if such

Party were directly indebted to the Crown in the Debt so due: Provided that the Crown shall be accountable to the Crown Debtor, or those in his Right, for any Surplus to be realised by the Crown beyond the Amount of the Crown Debt, with Interest and Expenses.

Sheriff may charge Crown Debtor on Extract Decree;

Execution of Charge to be in Form scheduled.

XXXI. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause charge the Crown Debtor therein mentioned to pay to him, the said Sheriff, for the Behoof of Her Majesty, the sums of Money therein mentioned, or to perform the Obligations therein specified, within the Days of Charge therein prescribed with reference to such Crown Debtor from and after the Date of Charge, under the Pain of Poinding and Imprisonment; and the Officer executing the same shall return an Execution in Terms of the Schedule H. hereunto annexed, or as near to the Form thereof as Circumstances will permit.

Sheriff may poind on Extract Decree.

Poinding to be in ordinary Form;

Except that Poinded Effects may be taken possession of; and, if no Offerer at Sale, Sheriff to retain them on Behalf of the Crown.

XXXII. On the Expiration of the Days of Charge against the Crown Debtor, it shall be lawful for any Sheriff, by virtue of any such Extract as aforesaid, to cause poind the whole moveable Effects, without Exception, of such Crown Debtor, including Bank Notes, Money, Bonds, Bills, Crop, Stocking, and Implements of Husbandry of all Kinds, in or towards Payment of the sums of Money therein mentioned; and such Poinding shall be carried through as nearly as may be in ordinary Form; except that it shall be lawful for the Officer executing such Poinding, where it is deemed expedient, to take Possession of the poinded Effects, and to place them in a Place of Security instead of leaving them with the Person in whose Possession they were when poinded; and, on the Execution of Poinding being reported, the Sheriff shall grant Warrant to the Sheriff Clerk to sell them in common Form; and if no Offerer appear at the Roup, the Effects, or such Part thereof as according to the appraised Value may satisfy the Debt, Interest, and Expenses due to Her Majesty shall be retained by the Sheriff for Her Majesty's Behoof at such appraised Value, subject to such Directions as he may receive with regard to the Disposal thereof from the Public Officer from whom he received the Extract as aforesaid, or from any Public Officer or Department acting in the Matter on the Behalf of the Crown.

On Expiration of Charge, Sheriff may record the Extract and Execution of Charge.

XXXIII. It shall be competent to any Sheriff, at any Time within Year and Day after any such Charge has expired, to cause any such Extract, and the Execution of Charge thereon, to be presented to the Sheriff Clerk of the County in which such Charge was given; and such Sheriff Clerk shall thereupon record the Execution in the Register of Hornings kept by him, and state therein the Name and Designation of the Person by whom such Extract and Execution were presented, and the Date of the Presentation, which Registration shall have all the like Operation and Effect as the Registration of any expired Charge of Payment, in Terms of the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Law of* Scotland *in Matters relating to Personal Diligence, Arrestments, and Poindings.*

1 & 2 Vict. c. 114.

After Execution of Charge recorded, Sheriff may issue Warrant to imprison.

XXXIV. On the Execution being so recorded, the Sheriff Clerk shall write upon the Extract, and upon the Execution (if it be written on Paper apart), a Certificate of the Registration thereof, which he shall date and subscribe, in Terms of the Schedule I. hereunto annexed, or as near thereto as Circumstances will permit; and it shall be lawful for the Sheriff to issue a Warrant to imprison in Terms as nearly as may be of the Schedule K. hereunto annexed; and it shall be lawful for any Messenger-at-Arms or Sheriff Officer, by virtue of such Extract and Warrant to imprison, to search for, take, apprehend, and imprison the Debtor or Obligant, and, if necessary for that Purpose, to open shut and lockfast Places; and the Magistrates and Keepers of Prisons are hereby authorized and required to receive into and detain in Prison the Person of the Debtor or Obligant, till liberated in due Course of Law, in like Manner as under any Extract and Warrant to imprison issued under the last-mentioned Act.

Sheriff may seize Books of Crown Debtor under Extract Decree.

XXXV. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause the Sheriff Clerk of his County, or other Person empowered by him in that Behalf, to seize and detain the Books of Account and other Books and Papers of the Crown Debtor, in order to ascertain the State of his pecuniary Affairs, and the Book and other Debts due to him, and the Names and Residences of his Debtors, and the Amounts of the Debts severally due by them; and such Extract shall be a sufficient Warrant to such Sheriff Clerk or other Person to seize and detain such Books and Papers in Terms thereof; and such Sheriff Clerk or other Person shall return an Execution of such Seizure in the Form as nearly as may be of the Schedule L. hereunto annexed, and such Books and Papers shall be open to the Inspection of the Sheriff, and of any public Officer having Interest therein on the Behalf of the Crown.

Effects of deceased Crown Debtor may be attached by Arrestment or Poinding.

XXXVI. It shall be competent, notwithstanding the Death of any Person indebted to the Crown by Bond or other Obligation on which Diligence may competently proceed, or under any Extract Decree decerning for Payment of any Penalty, Duty or Debt to Her Majesty, to proceed against the Estate and Effects of such Debtor by Arrestment, and also by Poinding; and it shall not be necessary in order thereto to cite or charge the Executor or other Representative of such Debtor, or to take any Proceeding against such Executor or Representative; but it shall be competent to register such Bond or other Obligation after as before the Death of the Debtor, and to obtain an Extract of the Decree proceeding upon such recorded Bond or Obligation, containing Warrant to execute Diligence in the like Terms as during the Lifetime of such Debtor; and on an Affidavit by any Person to the Effect that such Debtor is deceased, it shall be lawful for the Sheriff, without the Form of any previous Charge, to cause Arrest at once upon such Extract, registered Bond or Obligation, or Extract Decree in the Hands of any Person indebted or supposed to be indebted to the Deceased, and also to poind the whole moveable Effects of the Deceased, in the like Manner and to the same Effect in every respect as if the Deceased were still in Life, and had been duly charged and the Charge had expired.

Bonds, &c. heretofore taken by Court of Exchequer may be taken by Sheriffs, &c.

XXXVII. In all Cases where, at the Date of the passing of this Act, any Bonds, Recognizances, or Securities are in Use to be taken by any Judge or Judges of the Court of Exchequer, such Bonds, Recognizances, and Securities may be taken by any Sheriff, Sheriff Substitute, or Justice of the Peace.

Bonds to Her Majesty to be held as containing a Clause of Registration.

XXXVIII. All Bonds or Obligations granted or that may be granted to Her Majesty, in the Form heretofore in use in the Court of Exchequer in *Scotland*, shall be deemed and taken to be probative Documents, and shall have all the like Privileges, Operation, and Effect as if duly executed and attested according to the Law of Scotland; and all Bonds or Obligations granted or that may be granted to Her Majesty, albeit not containing any Clause of Registration, shall be capable of Registration in the Books of Council and Session, or other Judges Books competent, and to have a Decree interponed thereto, and to be extracted with a view to Execution, in the like Manner as if a formal Clause of Registration had been contained therein; and all Diligence and Execution shall be competent thereon in the like Manner and to all Effects as upon any Bond containing such formal clause of Registration: Provided, that where any such Bond or Obligation shall be for a penal Sum, stipulated to be paid in the event of Payment not being duly made of a smaller Sum of Money conditioned in such Bond or Obligation, Diligence and Execution shall proceed on the Extract of such Bond or Obligation only for Payment of such smaller Sum, conditioned as aforesaid, with such Interest and Expenses as may be due thereon.

Where a Bond to Her Majesty is not

XXXIX. In the event of the Sum due under any Bond or Obligation to Her Majesty on which Diligence may competently proceed under this or any other Act not being set forth specifically for a specific Sum, Sum may be supplied by an Account stated and certified, on which Diligence may proceed.

fically therein, a stated Account of the Sum due under it, having annexed to it a Certificate signed by any Officer of the Revenue, in the Form as nearly as may be of the Schedule M. hereunto annexed, recorded along with such Bond or Obligation, shall be sufficient to ascertain the Sum due under such Bond or Obligation; and the Extractor shall, in extracting the Decree proceeding upon such Bond or Obligation, make the Warrant of Charge and for Diligence to be contained in such Extract applicable to the Sum in the said stated Account, in the like Manner in all respects as if such Sum in the said stated Account had been actually specified in such Bond or Obligation, and thereupon all Diligence and Execution shall proceed as if it had been so specified: Provided always, that no such Bond or Obligation granted after the date of this Act shall be entitled to the Privilege hereby conferred unless there be inserted therein a specific Clause conferring such Privilege.

Provision for recovering in Scotland Duties accruing in other Parts of the United Kingdom.

XL. Where any Duty shall have accrued due to Her Majesty in any Part of the United Kingdom furth of *Scotland*, and the Person owing such Duty shall be subject to the Jurisdiction of the *Scotch* Courts, it shall be competent to proceed in *Scotland* against such Person for the Recovery of such Duty in the like Manner as if such Duty had accrued due in *Scotland*; and all Evidence that such Duty is resting owing, which would by any Law or Statute have been receivable in such other Part of the United Kingdom, shall be receivable in *Scotland*, and with such and the like Effect and Operation in every respect as would attach to such Evidence in such other Part of the United Kingdom, or to any similar Evidence in *Scotland*.

Jurisdiction of Sheriffs and Justices in Exchequer Cases saved.

XLI. Nothing in this Act contained shall operate to prevent the Exercise by any Sheriff or Justice of the Peace in *Scotland* of any Jurisdiction at present competent to such Sheriff or Justice respectively.

Preference of Crown over other Creditors not to be affected.

XLII. Nothing in this Act contained shall impair, injure, or affect any Preference of the Crown in competition with other Creditors; and in all Questions of Preference or Competition, the Execution of any Charge at the Instance or on the Behalf or for Behoof of the Crown, and in the Case of deceased Crown Debtors to whom no such Charge has been given in their Lifetime, the Execution of any Arrestment or Poinding at the Instance or on the Behalf or for Behoof of the Crown, shall be deemed and taken to be equivalent in all respects to the Teste of a Writ of Extent, according to the existing Law and Practice.

Section 3 of 16 Vict. c. 20. not

XLIII. The Third Section of the Act of the Sixteenth Year of Her present Majesty, Chapter Twenty, shall not be deemed to apply to any Cause to be instituted under this Act relating to the Customs or Inland Revenue.

to extend to Revenue Cases.

Lord President, Lord Advocate, and Lord Ordinary in Exchequer Causes empowered to make Orders and Regulations to facilitate Procedure.

XLIV. The Lord President of the Court of Session, the Lord Advocate, and the Lord Ordinary in Exchequer Causes, and any Two of them, shall have power to frame Orders and Regulations, from Time to Time, with a view to carry into Execution the Purposes of this Act, and to remove any Difficulties which may be found to arise in applying to the Extent contemplated by this Act the Forms and Practice of the Court of Session to Exchequer Proceedings; provided that such Orders and Regulations shall not be inconsistent with the Provisions of this Act, and that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Orders and Regulations framed as aforesaid, under the Powers herein given, not previously transmitted to Parliament.

Offices of Attornies, or Sworn Clerks and Macers in Exchequer, &c., abolished.

XLV. The Offices of Attornies or Sworn Clerks, and Macers of the Court of Exchequer as at present constituted are hereby abolished; and also all other Offices in the said Court, in so far as the same relate to any Duties attached to such Offices connected with the issuing of Writs, Process, and Diligence, and the Duties of Clerk of Court.

Power to Treasury to grant Compensations for Loss of Office.

XLVI. It shall be lawful for any Person who conceives that he is entitled to Compensation for Loss to be suffered through the Operation of this Act to make Application to the Commissioners of Her Majesty's Treasury for the Time being claiming such Compensation; and it shall be lawful for the said Commissioners to investigate such Claim, and to call for such Evidence in relation thereto as they may think necessary; and upon such Claim being established to their satisfaction, the said Commissioners are hereby authorized and empowered to award to such Person such Compensation as they shall think him entitled to, either by the Payment of a given Sum or by way of Annuity, as they shall think proper; and such Compensations shall be paid out of any Monies which may from Time to Time be voted by Parliament for that Purpose; provided that a Copy of every such Award of Compensation shall be laid before both Houses of Parliament within Ten Days from the Date thereof, if Parliament shall be then sitting, and if not, then within Ten Days after the Commencement of the Session of Parliament next ensuing, and no such Award shall be final and conclusive until Two Months after the same shall have been so laid before Parliament: Provided also, that if any Person to whom Compensation shall be so awarded by way of Annuity shall be afterwards appointed to any Public Office, such Compensation shall be accounted *pro tanto* of the Salary payable to such Person in respect of such Office while he shall continue to hold the same.

Interpretation of certain Terms.

XLVII. In construing this Act the following Words and Expressions shall receive the Meaning after assigned to them: The Expression "Lord Ordinary," shall mean the Lord Ordinary in Exchequer Causes to be appointed under this Act; the Word "Cause" shall comprehend Action, Suit, Prosecution, Process, and Proceeding; the Word "Person" shall comprehend Tribunal and public and private Company, and corporate and public and other Body, as well as the individual Members of such Tribunal, Company, or Body; the Word "Decree" shall comprehend Act, Order, Warrant, Interlocutor, and Judgment; the Expression "Rentcharge" shall comprehend Debt, Rent, and Duty; and the Word "Penalty" shall comprehend Fine and Forfeiture.

Repeal of certain Laws, &c.

XLVIII. All Laws, Statutes, Usages, Acts of Sederunt, and Rules and Regulations of Court now in force shall be and the same are hereby repealed, in so far as may be necessary to give Effect to the Provisions of this Act, and no further or otherwise.

Commencement of Act.

XLIX. This Act shall take effect from and after the Twelfth Day of *November* One thousand eight hundred and fifty-six; and all Causes then depending in the Court of Exchequer as at present constituted shall be transferred to the Court of Session acting as the Court of Exchequer under this Act, and shall be proceeded with in such Way and Manner as may be prescribed by any Rules and Regulations to be framed in Terms of this Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Subpœna.

[*Name and Designation of Party.*]

You are hereby required to appear before the Lord Ordinary in Exchequer Causes in the Court of Session at Edinburgh, on the Fourteenth Day next after the Date of Service of this Subpœna, to answer to an Information then to be presented at the Instance of the Lord Advocate, on the Behalf of Her Majesty against you, [*and, when the Information is to be laid under an Act of Parliament, add,*] under the Act [*name Act of Parliament imposing the Penalty or Duty claimed, or under which the Debt is sought to be recovered.*] Given at Edinburgh, this day of Eighteen hundred and years.

(Signed) *A. B.*
Depute [*or* Assistant] Clerk of Session.

SCHEDULE B.

Informations.

1. *Spirits.*

I, the Right Honourable A. B., Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on the Day of in the Year there was found in the Distillery of *A.* [*design him,*] commonly called the Distillery, in the County of , and not in the Mash Tun or Wort Underback in such Distillery, Gallons of Wort or Wash, the gravity whereof did exceed by more than Three Degrees, that is to say, by Fifteen Degrees in Cooler No. 1, by Fifty-five Degrees in Back No. 2, by Sixteen Degrees in Back No. 3, the particular Gravity which had been specified in a Notice in Writing delivered to the Supervisor or Surveyor in charge of the Distillery of him the said *A.* Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 44. Whereby the said *A.* has forfeited the sum of £200.

2*d Count*,—That on the Day of in the Year there was found in the said Distillery of the said *A.*, and not in the Mash Tun or Wort Underback in such Distillery, 100 Gallons of Wort or Wash, the Gravity whereof did exceed by Fifty-four Degrees, or, at least, by more than Three Degrees the particular Gravity which had been specified in a Notice in Writing in that Behalf, delivered to the Supervisor or Surveyor in charge of the Distillery of him, the said *A.* Contrary to the Statute 4th Geo. IV.

Cap. 94. Sect. 44. Whereby the said *A.* has forfeited the Sum of £200.

3*d Count*,—That on the Day of in the Year in the Distillery of the said *A.*, commonly called Distillery, of the said A., 9,211 Gallons of Wort or Wash, which had not been collected in the Wort Receiver, and the Quantity and Gravity whereof had not been declared, as in the Statute in that Behalf made is required and directed, was conveyed into and collected in a Fermenting Back, No. 1 Back, in the said Distillery, but was not so conveyed and collected within the Space of Six Hours after the Running or Conveyance of such Wort or Wash had commenced. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 48. Whereby the said *A.* has forfeited the Sum of £200.

4*th Count*,—That the said *A.*, being a Distiller, on the Day of in the Year , and on Three other Days between that Day and the Day of , in the Distillery of the said *A.*, One hundred Gallons of Wort or Wash, which had not been collected in the Wort Receiver, and the Quantity and Gravity of which had not been declared, as in the Statute in that behalf made is directed, and which was intended to be run or conveyed into a Fermenting Back of him the said *A.*, as such Distiller, was conveyed into and collected in a Fermenting Back in the said Distillery; yet the said *A.* did not, on any or either of the said last-mentioned Days, immediately and without Delay, deliver to the proper Officer in that Behalf a Declaration in Writing, specifying the several Particulars in reference to the said Wort or Wash, in Terms of the Statute. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 48. Whereby the said *A.* has, for each of his said Offences, forfeited the Sum of £200, amounting in the whole to the Sum of £800.

5*th Count*,—That on the Day of in the Year , at the Place aforesaid, the said *A.* did remove, or send with a Permit, a lesser Quantity of Spirits than the Quantity specified and described in the said Permit. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

6*th Count*,—That on the Day of in the Year , at the Place aforesaid, the said *A.* did utter a certain false or untrue Request Note to an Officer of Excise, for the Purpose of falsely and fraudulently obtaining a Permit with and for certain Spirits. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

7*th Count*,—That on the Day of in the Year , the said *A.* did knowingly or willingly give a false or untrue Permit with and for certain Spirits. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

8*th Count*,—That on the Day of in the Year , a Quantity of Spirits was removed from the Distillery of the said *A.*, he the said *A.* being a Distiller licensed under the

Statutes in that Case made and provided, in the Quantity of Two Gallons and one Half Gallon, or at least a less Quantity than Nine Gallons. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 120. Whereby the said *A*. has forfeited the Sum of £200.

[*To be signed by the Lord Advocate or Counsel.*]

Note.—Each Count in this and any other Information may, if thought proper, be made itself a separate Information.

2. *Malt.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on the Day of in the Year , within the Parish of and County of , *A*., being a Maltster or Maker of Malt, did remove, carry, or send away about Four Bushels of Malt from the Building or Place where the same had been made, before the said Malt had been taken account of and charged with Duty by the proper Officer of Excise, or did fraudulently deposit, conceal, or convey away from the Sight of the Officers of Excise about Four Bushels of Malt or of Corn or Grain making into Malt. Contrary to the Statute 7th and 8th Geo. IV. Cap. 52. Sections 40 and 41. Whereby the said *A*. has forfeited the Sum of £200.

2*d Count*,—That at the Time and Place aforesaid the said *A*., being a Distiller and Maker of Low Wines or Spirits, making Entry as a Maltster or Maker of Malt for the sole Purpose of being consumed in distilling Low Wines or Spirits from Malt only, did take about Four Bushels of Malt off the Kiln without having given such Notice as in the Statute 7th and 8th Geo. IV. Cap. 52. Sect. 68. is required. Contrary to the said Statute. Whereby the said *A*. has forfeited the Sum of £50.

3*d Count*,—That at the Time and Place foresaid the said *A*. did resist, oppose, molest, obstruct, or hinder a Person employed in the Revenue of Excise in the due Execution of a Power or Authority conferred upon him by the said Statute 7th and 8th Geo. IV. Cap. 52. Sect. 9. Contrary to the said Statute. Whereby the said *A*. has forfeited the Sum of £300.

4*th Count*,—That at the Time and Place foresaid the said *A*. did molest, obstruct, or hinder a certain Person employed in the Revenue of Excise in the Seizure of Malt forfeited under or by virtue of the Statute in that Case made and provided. Contrary to the Statute 7th and 8th Geo. IV. Cap. 53. Sect. 39. Whereby the said *A*. has forfeited the Sum of £200.

3. *Licence.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of Eighteen hundred.

dred and at in the County of , A. [*design him*], being a Maltster [*or* Distiller, *or as the Case may be*], did make or manufacture Malt [*or* Spirits, *or as the Case may be*], for the making or manufacturing [*or* did exercise or carry on the Trade or Business of a , for the exercising or carrying on] of which a Licence was by Statute required, without taking out such Licence. Contrary to the Act 6th Geo. IV. Cap. 81. Sect. 26. Whereby the said *A.* has forfeited the Sum of £ .

4. *Entry.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of Eighteen hundred and at in the County of , *A.* [*design him*], a Person carrying on the Trade or Business of [*specify it*], under or subject to certain Laws of Excise, did make use of a House [*or* Building, *or* Vessel, *or* Utensil, *or as the Case may be*], for the making of [*or* for the retailing *or* storing, *or as the Case may be*], Spirits [*or* Malt, *or as the Case may be*]; of which House [*or as the Case may be*], Entry was by Statute required to be made; without having made Entry thereof by delivering such true and particular Account thereof as by Law is required, to the Officer of Excise in whose Survey such House [*or as the Case may be*] was intended to be used as aforesaid. Contrary to the Statute 4 and 5 Will. IV. Cap. 51. Sect. 6. Whereby the said *A.* has forfeited the Sum of £200.

5. *Concealing Goods.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That *A.* [*design him*] on or about the Day of , Eighteen hundred and at in the County of did remove, deposit, or conceal, or was concerned in removing, depositing, or concealing, certain or other Goods or Commodities, being of the Value of £ , for or in respect whereof a Duty of Excise was and is imposed, with Intent to Defraud Her Majesty of the said Duty. Contrary to the Statute 7 and 8 Geo. IV. Cap. 53. Sect. 32. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Goods and Commodities, which the Commissioners of Excise have elected to take in lieu of the Penalty of £100.

6. *Not cancelling Permit.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on behalf of Her Majesty, inform the Court,—

1*st Count.* That at the Time of committing the several Offences after mentioned, *A.* [*design him*] was a Dealer in [*or* Retailer of] Spirits, and, as such, had provided himself with a Book, as prescribed by the Act 11 and 12 Vict. Cap. 121, for the Purpose of entering therein such Particulars relating to Spirits to be received into his

Stock, Custody, or Possession as by the said Act Dealers in [*or* Retailers of] Spirits were and are required to make due Entries of: And that the said *A.* did, on or about the Day of Eighteen hundred and at in the County of , receive into his Stock, Custody, or Possession, Fifty Gallons, or other large Quantity of Spirits: Yet the said *A.* did not, at any Time on the said Day on which the said Spirits were so received by him, make, or cause to be made, due Entries in his said Book, of the several Particulars by the said Act required to be entered therein relating to the said Spirits. Contrary to the said Statute 11 & 12 Vict. Cap. 121. Whereby the said *A.* has incurred the Penalty of £100.

2d Count,—That the said *A.*, being a Dealer in [*or* Retailer of] Spirits, did, on or about the Day of Eighteen hundred and , at in the County of receive Fifty Gallons or other Quantity of Spirits, which were, at the Time when they were so received by him, accompanied by a true and lawful Permit [*or* Certificate]; and the said A. did then and there receive such Permit [*or* Certificate] with the said Spirits; yet the said A. did not, immediately on receiving such Permit [*or* Certificate] cancel the same in the Manner directed by the said Statute, so as to prevent the same from being again used for the Removal of Spirits. Contrary to the said Statute 11 & 12 Vict. Cap. 121. Whereby the said A. has incurred the Penalty of £50.

7. *Private Still.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of Eighteen hundred and , at in the County of , *B.* and *C.*, Officers of Excise, did discover and seize a certain private or concealed Still for making Spirits, in a certain House, [*or* Place, *or as the Case may be*], in which the same had been or was then set up or kept by *A.* [*design him*], or other Person to Her Majesty's Advocate unknown, not licensed to that Effect: And the said Still was not, within Ten Days after such Seizure, claimed by any Person as the Owner thereof: And the said *A.* was the Proprietor of the said Still, or the same was found in his Custody. Contrary to the Statute 3 Geo. IV. Cap. 52. Sects. 13. and 14.: Whereby the said *A.* has forfeited the Sum of £200 for the said Place in which said Still was found, and the further Sum of £200 for the said Still.

8. *Seizure.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That *B.*, Officer of Excise, on or about the Day of in the Year , at in the County of , did seize and arrest to the Use of Her Majesty, as forfeited, 100 Bushels of Malt or thereby, in respect,—

1*st Count*,—That the said Malt was, by a Person to Her Majesty's Advocate unknown, fraudulently deposited, concealed, or conveyed away from the Sight of the Officers of Excise. Contrary to the Statute 7 and 8 Geo. IV. c. 52. Sec. 40. Whereby the said Malt became forfeited.

2*d Count*,—That the said Malt was in the Custody or Possession of a Person to Her Majesty's Advocate unknown, the same being Malt which had been removed, carried, or sent away from the Building and Place where the same had been made, before the said Malt had been taken account of and charged with Duty, such Person knowing the same to have been so removed, carried, or sent away. Contrary to the Statute 7 & 8 Geo. IV. c. 52. Sec. 41. Whereby the said Malt became forfeited.

3*d Count*,—That on or about the Day of in the Year , at in the County of , the said Malt, being Goods and Commodities for and in respect whereof a certain Duty of Excise was imposed, was removed or deposited or concealed, with Intent to defraud Her Majesty of such Duty, or of a certain Portion thereof. Contrary to the Statute 7 and 8 Geo. IV. c. 53. Sec. 32. Whereby the said Malt became forfeited.

9. *Customs.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on or about the Day of in the Year , in the County of , *A.* [*design him*], Grocer and Spirit Dealer, was knowingly concerned in conveying, removing, depositing, concealing, or dealing with 80 Pounds Weight or thereby of Tobacco, or other Goods, liable to Duties of Customs, with Intent to defraud Her Majesty of the Duties thereon. Contrary to the Statute 16 & 17 Vict. Cap. 107. Secs. 232. and 263. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Tobacco or other Goods, for which the Commissioners of Customs have elected to sue.

2*d Count*,—That on or about the Day of in the Year , at in the County of , the said *A.* did carry, convey, or conceal, or was aiding, assisting, or concerned in the carrying, conveying, or concealing of 80 Pounds Weight or thereby of Tobacco, then and there liable to Forfeiture under the Act 16 & 17 Vict. Cap. 107. Secs. 209. 234. and 263. Contrary to the said Statute. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Tobacco, for which the Commissioners of Customs have elected to sue.

10. *Legacy Duty.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year , *A.* [*design him*] was indebted to

Her Majesty in the Sum of £ , by virtue of the Statute 55 Geo. III. Cap. 184. Schedule, Part 3, inasmuch as *B.* [*design him*], deceased, by certain Testamentary Instruments, gave to *C.* the clear Residue of the Monies to arise from the Sale or other Disposition of certain heritable Estates of the said *B.* by the said Testamentary Instruments directed to be sold or otherwise disposed of: That on the Day of in the Year , at in the County of , the said *B.* died, without revoking or altering the said Testamentary Instruments as to the said Residue so given as aforesaid: That the said clear Residue was more than the value of £20: That the said *A.* was a Trustee to whom the said heritable Estate, out of the Monies to arise from the Sale or other Disposition of which the said clear Residue so given was to be paid or satisfied, was devised; and being such Trustee, he retained, for the Benefit of the said *C.*, the Sum of £ , or thereby, a Part of the said clear Residue, on which Part thereof the Duty which was chargeable was the said Sum of £ ; and the said *A.* did not, before retaining as aforesaid, first pay the said Duty to Her Majesty. Contrary to the said Statute. Whereby the said *A.* is indebted and liable to pay to Her Majesty the said Sum of £ .

11. *Inventory Duty.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year , *A.* [*design him*] was indebted to Her Majesty in the Sum of £ , by virtue of the Statutes 48 Geo. III. Cap. 149. Sec. 38. and 55 Geo. III. Cap. 184. Schedule, Part 3., for Double the Amount of Stamp Duty which would have been payable by the said *A.*, upon a certain Inventory of the Personal and Moveable Estate and Effects, in Scotland, of the Value of , or thereby, of *B.* [*design him*], who died after the 1st Day of January 1842, that is to say, on or about the Day of , in the Year , which Inventory the said *A.*, although he had intromitted with and entered upon the Possession and Management of the said Estate and Effects more than Six Calendar Months before the said Day of in the Year , and ought before that Day to have exhibited such Inventory in the proper Commissary Court in Scotland, neglected to exhibit the same within the Time prescribed for that Purpose. Contrary to the said Statutes. Whereby the said *A.* is indebted to Her Majesty in the said Sum of £ .

12. *Succession Duty.—(Heritable Property.)*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That *A.* [*design him*] became beneficially entitled upon the Death of *B.*, on the Day of in the Year , to certain Heritable or Real Property, situated in the County of , in Possession, or to the Receipt of the Income or Profits thereof, for a Period not less than the Residue of his Life: That the annual Value, after Allowance of all necessary Outgoings of the said Property, was £ :

That the Value of the said Succession, in Terms of the Statute 16 & 17 Vict. Cap. 51., amounted to the Sum of £ , and the Duty payable thereon to the Sum of £ : That the said Duty was payable by Eight Half-yearly Instalments, and the Periods when the First and Second Half-yearly Instalments of the same were payable are past, and the said Instalments have not been paid to Her Majesty: That the said Instalments of Duty were finally ascertained on the Day of ; and the said *A.* has wilfully neglected to pay the same within Twenty-one Days from the said Date when such Duty was so ascertained. Contrary to the Statute 16 & 17 Vict. Cap. 51. Whereby the said *A.* became indebted to Her Majesty in the Sum of £ , being the Amount of the said First and Second Instalments of Succession Duty; and liable to pay to Her Majesty the Sum of £ of Penalty, for Neglect as aforesaid of Payment of said Instalments, and a like Sum of £ for every Month after the First Month during which such Neglect has continued and shall continue.

13. *Succession Duty.—(Personal Property.)*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That *A.* [*design him*] became beneficially entitled, upon the Death of *B.*, on the Day of Eighteen hundred and , to a certain Sum of Money, amounting to £ : That the said *B.* obliged himself, by the antenuptial Marriage Contract entered into between him and his Wife, to pay, Six Months after his Death, to the Child or Children of the said Marriage, the said Sum; and the said *A.* is the only Child of the said Marriage: that the said *A.* became entitled in Possession to the said Succession, or to the Receipt of the Income thereof, upon the Day of Eighteen hundred and , and the Succession Duty thereon was then payable: That the said Duty amounts to the Sum of £ , and has not been paid to Her Majesty: That the said Duty was finally ascertained on the Day of Eighteen hundred and , and the said *A.* has wilfully neglected to pay the same within Twenty-one Days from the said Date when such Duty was so ascertained. Contrary to the Statute 16 & 17 Vict. Cap. 51. Whereby the said *A.* became indebted to Her Majesty in the said Sum of £ , being the Amount of the said Succession Duty; and liable to pay to Her Majesty the Sum of £ of Penalty for Neglect of Payment of said Duty, and a like Sum of £ of Penalty for every Month after the First Month during which such Neglect has continued and shall continue.

14. *Crown Teinds.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on the Day of in the Year *A.* [*design him*] was indebted to Her Majesty in the Sum of £ , due and owing by him for the Teinds of the Lands of , in the County of , after Deduction of

Stipend payable therefrom, which Teinds belong to Her Majesty for the Crops of the Years and and intervening Crops.

2d *Count*,—That the said *A.*, on the Day of in the Year , was indebted to Her Majesty in the further Sum of £ , due and owing by him for Interest upon Money due by him to Her Majesty.

15. *Promissory Note.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year *A.* [*design him*] did make, sign, or issue a certain Promissory Note for the Payment of a Sum of Money amounting to Five Pounds, and not exceeding One hundred Pounds, in another Manner than to the Bearer on Demand, liable to the Payment of Stamp Duty charged by the Statute 17th & 18th Vict. Cap 83., without the same being duly stamped or marked with the proper Stamp or Mark as by Law is directed, that is, a Promissory Note, bearing Date the Day of in the Year , for the Payment Months after Date, to the Order of *B.*, of the Sum of £ , or some other Promissory Note, liable to a Stamp Duty of , without the same being duly stamped or marked with the Stamp or Mark indicating the Payment of the said Duty, contrary to the Statutes 55 Geo. III. Cap. 184., 17th & 18th Vict. Cap. 83., and other Statutes, whereby the said *A.* has forfeited the Sum of £50.

16. *Receipt Stamp.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of in the Year , *A.* [*design him*] did write or sign or cause to be written or signed a certain Receipt or Discharge, given for or upon the Payment of a Sum of Money amounting to Two Pounds and upwards, that is to say, £ , liable to the Payment of Stamp Duty charged by the Act 16th & 17th Vict. Cap. 59, upon a Piece of Paper, without the same being first stamped, or marked with the Stamp or Mark impressed upon the Paper, and without having the adhesive Stamp affixed thereto, as by Law is directed, contrary to the Statutes 35 Geo. III. Cap. 55., and 16th & 17th Vict. Cap. 59., and other Statutes, whereby the said *A.* has forfeited the Sum of £10 [*or* £20.]

17. *Attorney Certificate Duty.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That at in the County of between the Day of in the Year of and the Day of the Lodging of this Information, *A.*, in the County of , Writer, did, for and in Expectation of Gain, Fee, or Reward, commence, carry on, or defend a certain Action, Suit, and Proceeding in a certain Court in Scotland as a

Solicitor, Attorney, and Procurator, and Agent of the said Court, without having first duly obtained a proper stamped Certificate in the Manner in the Statute directed, contrary to the Statute 9 Geo. IV. Cap. 49., Sec. 9., whereby the said *A.* has forfeited the Sum of £50.

18. *Post Horse Duty.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year , at in the County of , *A.*, having a Licence to keep at One Time to be let for Hire One Horse, did keep at One Time to be let for Hire a greater Number of Horses, viz., Two Horses, than he was by the foresaid Licence authorized to keep at One Time to be let for Hire. Contrary to the Statute 16th & 17th Vict. Cap. 88., Sec. 15. Whereby the said *A.* has forfeited the Sum of £100.

SCHEDULE C.

VERDICT.

The Jury find for the Queen ; *or*

The Jury find for the Defender ; *or*

The Jury find for the Queen [*or* the Defender,] on the First Count ; and for the Defender [*or* the Queen] on the Second Count [*or as the Case may be.*]

[*To be written on the Information, and signed by the Clerk of Court.*]

SCHEDULE D.

APPRAISEMENT OF SEIZURE.

Date of Seizure.	Officers' Names by whom seized.	Where seized.	For what Cause seized.	Species and Quantity of Goods seized.	Value appraised at £ s. d.
			Total . .	£	

I [*Name and Designation*] hereby certify, That the foregoing Appraisement made by me, in order to be returned to the Court of Session as the Court of Exchequer in Scotland, is just and true, as to the Quantity, Quality, and Value of the Articles therein stated, and in all other Particulars, to the best of my Knowledge. Dated at this Day of Eighteen hundred and .

[*To be signed by the Officer making the Seizure, or other Officer of the same Department of the Revenue.*]

SCHEDULE E.

Claim for Seizure.

Claim for Goods seized by [*Name and Designation*], Officer of Inland Revenue (Excise Branch), [*or as the case may be*] at .

I [*Name*] Distiller, [*or as the Case may be*] residing at , declare that I am the Owner of the Goods contained in the Appraisement made by [*Name and Designation*], dated the Day of Eighteen hundred and , and I claim the same.

[*To be signed by the Claimant.*]

SCHEDULE F.

Note of Appeal.

Note of Appeal for *A.B.* [*design him*], Supervisor of Excise for [*or as the case may be.*

In the Information in the Excise Branch of the Inland Revenue, [*or* the Stamps Branch of the Inland Revenue, *or* the Customs Branch of the Revenue, *or as the Case may be,*] at his instance against *C.D.* [*design him*], before Her Majesty's Justices of the Peace for the County of

[*or,*]

In the Matter of the Warrant of Commitment of the said *A.B.*, granted upon the Application [*or* Certificate, *or as the Case may be,*] of *C.D.* [*design him*] issued by Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of , *or as the Case may be.*]

The

The Appellant hereby appeals against a Judgment [*or* Warrant of Commitment, *or as the Case may be*,] of the said Justices, dated [*specify Date*], signed by and [*name the Justice or Justices by whom signed, and state that they are Justices.*]

In respect whereof, *&c.*

[*To be signed by any Solicitor of Revenue, or by any Agent before the Court of Session.*]

SCHEDULE G.

WARRANT TO BE SUBJOINED TO EXTRACTS OF EXCHEQUER DECREES IN FAVOUR OF THE CROWN.

And the said Lords command and charge all Sheriffs of Counties, and each of them, conjunctly and severally, to put this Decree in execution in manner under-written, that is to say, in Her Majesty's Name, to cause charge the said *A.* personally, or at his Dwelling Place, if within Scotland, and if furth thereof, by delivering a Copy of Charge at the Office of the Keeper of the Record of Edictal Citations at Edinburgh to make Payment of the foresaid Sum or Sums of Money, Principal, Interest, and Expenses, [*or* to implement and perform the foresaid Obligations, *or* both to pay and perform, *as the Case may require*,] all in terms of and to the Effect contained in the Decree above written, and here referred to and held as repeated *brevitatis Causa*; and that to them the said Sheriffs, or One or other of them, on the behalf of Her Majesty, within Six Days next after he is charged to that Effect, under the Pain of Poinding and Imprisonment; and also to cause arrest the said *A.*'s readiest Goods, Gear, Debts, and Sums of Money, in Payment and Satisfaction of the said Sum, Interest, and Expenses; and also to cause seize and detain the Books of Accounts, and other Books and Papers of the said *A.*; and if the said *A.* shall fail to obey the said Charge to be given to him as aforesaid, then to cause poind the readiest Goods, Gear, or other Effects of the said *A.*, and, if needful for effecting such Poinding, to cause open all shut and lockfast Places, in Form as Effeirs; and also, in the same Event, that the said *A.* shall fail to obey the said Charge, then to cause search for, take, and apprehend the Person of the said *A.*, and being so apprehended, to cause imprison the said *A.*, within a Tolbooth or other warding Place, therein to remain until he fulfil the said Charge, and if necessary for that Purpose to open shut and lockfast Places; and to grant Warrant also to the Magistrates and Keepers of Prisons to receive and detain therein the said *A.*

EXTRACTED [*Specify Place and Date*] by
[*Extractor's Signature.*]

SCHE-

SCHEDULE H.

EXECUTION OF CHARGE AGAINST CROWN DEBTOR.

Upon the Day of I, , Messenger-at-Arms, [*or* Sheriff Officer,] by virtue of, [*state Nature and Date of Extract and Decree whereupon it proceeds*], at the Instance of on the behalf of Her Majesty against *A.*, [*specify Name and Designation of Crown Debtor or Obligant,*] passed and in Her Majesty's Name and Authority lawfully charged the said *A.* to [*state what the Party has been charged to do; if to pay Money, specify the Sum, Interest, and Expenses; or if to fulfil an Obligation, specify it as in the Extract*], and that to *C.D.*, Sheriff of the County of , for the Behoof of Her Majesty within Six Days next after the Date of my said Charge, under the Pain of Poinding and Imprisonment. This I did [*state Mode of Execution, whether personally or otherwise*], before and in presence of *E.*, Witness to the Premises.

[*Messenger's or Officer's Signature.*]

[*Witness's Signature.*]

SCHEDULE I.

CERTIFICATE OF REGISTRATION OF EXECUTION OF CHARGE IN SHERIFF COURT.

Presented by *A.B.*, [*Name and Designation,*] and registered in the particular Register of Hornings for the Shire of on the Day of

[*Keeper or Clerk's Signature.*]

SCHEDULE K.

WARRANT TO IMPRISON.

[*Place and Date.*]

The Charge being expired, and registered as per Execution and Certificate produced, grant Warrant to search for, take, and apprehend the Person of the said *A.* [*Name of Debtor or Obligant*] and being so apprehended to imprison him within a Tolbooth or other warding Place, therein to remain until he fulfil the said Charge; and, if necessary for that Purpose, to open shut and lockfast places; and Warrant also to Magistrates and Keepers of Prisons to receive and detain the said *A.* accordingly.

[*To be signed by Sheriff.*]

SCHEDULE L.

EXECUTION OF SEIZURE OF BOOKS AND PAPERS OF CROWN DEBTOR.

Upon the Day of , at within the County of , I, *J.H.*, Sheriff Clerk of the said County of , by virtue of a Warrant to that Effect, contained in [*specify the Extract in which Warrant contained and its Date,*] have seized the Books and Papers belonging to *A.* [*name and design him*], specified in the following

Inventory.

[*Follows the Inventory.*]

the same having, on my Requisition to that Effect, been voluntarily handed over to me by the said *A.* [*or* by *K.* [*Name and Designation*], having the Custody thereof; *or as the Case may be.*]

or,

the same having been found by me in a Safe or Press in the House of the said *A*, at , to which I obtained access by breaking open the Doors of the said House, and a Safe or Press therein, because I could not otherwise obtain Admittance thereto [*or as the Case may be.*]

[*Signature.*]

Sheriff Clerk.

SCHEDULE M.

CERTIFICATE OF OFFICER OF REVENUE TO STATED ACCOUNT.

I [*Name and Designation*], being an Officer of Her Majesty's Revenue, hereby certify, That there is due to Her Majesty, in terms of the foregoing stated Account under a Bond granted by [*Name and Designation*] to Her Majesty, dated the Day of , the Sum of . Dated at this Day of Eighteen hundred and .

[*Signature of Officer of Revenue.*]

CAP. LVII.

An Act to abolish the Jurisdiction of the Court of the Liberties and Manor of St Sepulchre *in and near* Dublin, *and for the future Regulation of certain Markets of the said Manor.*—[21*st* July 1856.]

CAP. LVIII.

An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland.—[21*st* July 1856.]

Amended by 33 & 34 Vict. c. 92.

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland; and it is expedient to explain and amend some Parts of the said Act, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 W. 4 c. 65.

Repeal of certain Provisions of recited Act.

I. The Clauses and Provisions of the said Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*, shall be and the same are hereby repealed, except as to any Register heretofore made; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith.

Assessors to make out List of Voters;

II. The Assessor of every Burgh shall, on or before the Fifteenth Day of *August* in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule A. hereunto annexed, a List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in Parliament for such Burgh; and such List shall be arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; and each Ward and Polling District shall be arranged, as far as conveniently may be, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid, or otherwise, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and as regards all other Places, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid; and in such List the Christian Name and Surname of every such Person shall be written at full Length, together with his Occupation, the Place of his Abode, the Nature of his Qualification, and the Name of the Street, and Number of the House (if any), or other Description of the Place where the Property in right of which he is entitled to vote may be situate; and the Assessor shall sign the said List, and shall forthwith cause a sufficient Number of Copies thereof to be written or printed; and shall, on or before the said Fifteenth Day of *August* in every Year, publish Copies of the said List, by affixing the same on or near the Town Hall or other conspicuous Place within the Burgh; and shall also, on or before such Fifteenth Day of *August*, give Notice by Advertisement in some One or more Newspapers circulating in the Burgh, of the Place at which a Copy of such List will be open to Perusal; and such Copy shall be open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, from the Sixteenth to the Twenty-fifth Days of *August*, both inclusive; and the Assessor shall deliver Copies thereof signed by him to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the Schedule B. hereto annexed: Provided always, that if any Person who may desire his Name not to be inserted in such List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

and to publish such List;

and all Persons may have Copies.

III. Every Person whose Name shall have been omitted in any such List of Voters for any Burgh, and who shall claim as having been entitled on the last Day of *July* then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List, shall on or before the Twenty-fifth Day of *August* in such Year give a Notice according to the Form Number 2. of the said Schedule A. or to the like Effect to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in Lists arranged as aforesaid, according to the Form Number 3. of the said Schedule A., signed by him.

Persons omitted in such Lists, &c. to lodge Claims;

and Assessors to make up Lists of Claimants.

IV. In every Year every Person whose Name shall have been inserted in any List of Voters for any Burgh may object to any other Person as not having been entitled on the last Day of *July* next preceding, to have his Name inserted in any List of Voters for such Burgh, and every Person so objecting shall on or before the Twenty-fifth Day of *August* in such Year give or cause to be given to the Assessor of such Burgh a Notice according to the Form Number 4. of the said Schedule A. or to the like Effect, and shall also on or before such Twenty-fifth Day of *August* give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form Number 5. of the said Schedule A. or to the like Effect, and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

Objections to List to be lodged.

V. The Assessor shall, in every Year, include the Names of all Persons so objected to in a List arranged as aforesaid, according to the Form Number 6. of the said Schedule A., signed by him; and shall cause Copies of the said List of Persons objected to to be written or printed; and shall publish such List, and the said List of Claimants as aforesaid, on or before the First Day of *September* in each Year, by advertising in One or more Newspapers circulating in the Burgh the Place at which Copies of the said Lists, and the Notices of Claims and Objections, will be open to Perusal; and Copies of the said Lists, and also the notices of Claims and Objections which he shall have received, shall, unless when in use in the Registration Court in Terms of this Act, be open, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, during the first Fourteen Days of *September* in the said Year; and the Assessor shall deliver Copies of the said Lists, or either of them, to any Person requiring the same, on Payment of a Price

Assessors to make up List of Persons objected to; and to publish Lists of Claimants and Persons objected to;

and all Persons may have Copies.

Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule B.

Assessors to deliver Lists to Town Clerks.

VI. On or before the First of *September* in each Year, the Assessor shall deliver to the Town Clerk a Copy of the said List of Voters made out by him as aforesaid, and a Copy of the said List of Claimants, and a Copy of the said List of Persons objected to, all signed by him as aforesaid.

Assessor to be nominated specially for this Act.

VII. Where in any Burgh there shall be more than One Assessor in and for such Burgh, the Magistrates of the Burgh shall, as soon as may be after the passing of this Act, and at latest within Three Weeks after the passing of the same, nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act; and also make public Advertisement of such Appointment in some One or more Newspapers circulating in such Burgh; and failing such Appointment and Advertisement being duly made, the same shall be made by the Sheriff of the County within Five Weeks at latest after the passing of this Act; and every such Assessor so appointed shall, from the Date of his Appointment, be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where in any Burgh an Assessor so appointed shall cease to hold Office, the Magistrates shall, at latest within Three Weeks thereafter, appoint another Assessor, to act as aforesaid, and make public Advertisement of such Appointment as before mentioned; and in the event of such Magistrates failing to do so, such Appointment and Advertisement shall be made by the Sheriff of the County, within Five Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such Burgh shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act: Provided always, that if any Portion of a County shall for Election Purposes be included in any Burgh, the Assessor of the Burgh shall in relation thereto perform all the Duties required by this Act, and the Assessor of the County shall be bound to afford the Assessor of the Burgh all reasonable Access to the Valuation Roll of the County for that Purpose.

Assessors disqualified from voting.

VIII. Every Assessor in any Burgh shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such Burgh, and also from voting or taking part in any Municipal Election within the Burgh.

Provision as to Service of Notices.

IX. Whenever any Notice is by this Act required to be given to the Assessor, it shall be sufficient if such Notice shall be delivered to him, or left, or sent to him by Post, Postage paid, at his Place of Abode, or at his Place for transacting his official Business; and wherever by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be sent by the Post, Postage paid, addressed, with a sufficient Direction, to the Person to whom the same ought to be given, at his usual Place of Abode.

Advertisements under the Act.

X. In all Cases where any Notice is directed by this Act to be advertised in any Newspaper, such Advertisement shall be repeated in the same or some similar Newspaper, not earlier than Six and not later than Eight Days after the Day on or before which such Advertisement is herein required to be published.

Lists put up to be maintained; if removed, &c. to be replaced.

XI. Where any Document shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive *Sundays* at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice.

Penalty for injuring Lists put up.

XII. Every Person who shall wilfully mutilate or remove any Document so affixed during such Period shall for every such Offence forfeit a Sum not exceeding Forty Shillings nor less than Ten Shillings, to any Person who will sue for the same, to be recovered in a summary Manner before the Sheriff of the County, or any Two Justices of the Peace.

Lists not invalidated by deficient Publication.

XIII. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place, and for the full Time, herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Errors of Officers not to affect Claims.

XIV. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any public Officer to whom Claims or Objections are appointed to be given in or transmitted.

Provision for filling up ad inte-

XV. Where in any Burgh any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall rim Offices on which Duties are imposed by this Act.

be competent for the Sheriff of the County, and he is hereby authorized and required, in the event it shall appear to him to be necessary or expedient in order to the carrying out of the Purposes of this Act, to appoint a Person to perform *ad interim* the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable remuneration therefor as may be fixed by such Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in like Manner and out of the like Funds as the Salary or Allowances of the Office become vacant as aforesaid.

Valuation Rolls to be open to inspection for the purposes of this Act.

XVI. Any Person whose Name shall be on any List of Voters for the Time being for any Burgh, or who shall have claimed to have his Name inserted in any such List, may at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, between the Sixteenth Day of *August* and the Twenty-first Day of *October*, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Roll to be primâ facie Evidence of Matters stated therein.

XVII. In all Questions and Proceedings under this or the recited Act, the Valuation Roll made up by the Assessor in Terms of the Fourth Section of the Act passed in the Seventeenth and Eighteenth Years of her present Majesty, Chapter Ninety-one, shall, from and after the Fifteenth Day of *August* in the Year in which such Roll shall be made up, and subject always to such Alterations as may be afterwards made thereon in Terms of said last-mentioned Act, be received and taken as *primâ facie* Proof that the gross yearly Rent or Value of any Subjects specified in such Valuation Roll is, and has been for the Year from the Fifteenth Day of *May* in such Year, of the Amount set forth for the Time in such Valuation Roll, and also as *primâ facie* Proof that the Persons therein set forth as Proprietors, Tenants, and Occupants respectively have, for the Period to which such Valuation applies, been such Proprietors, Tenants, and Occupants respectively, as therein stated: Provided always, that it shall be competent to prove to the satisfaction of any Sheriff or Court of Appeal under this or the said first-recited Act, that any such Subjects are or have been of a greater or of a less annual Value than the Value stated in such Valuation Roll: Provided further, that it shall be competent, in any Appeal under this or the first-recited Act from any Court of Registration to any Court of Appeal, to refer to and found upon any Valuation Roll, notwithstanding that such Valuation Roll may not have been produced in such Court of Registration.

Town Clerks to transmit Abstracts of Lists to Sheriffs.

XVIII. Each Town Clerk shall, on the First Day of *September* in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and Lists of Persons objected to in his Burgh to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him in such Burgh.

Sheriffs to hold Courts for revising Lists.

XIX. Every Sheriff shall, between the First Day of *September* and the First Day of *October* in each Year, revise the Register of Voters of the County and the Lists of the several Burghs thereof, and for this Purpose shall hold open Courts during the said Period as prescribed in the said recited Act; and shall, on or before the First Day of *September* in each Year, or as soon thereafter as possible, deliver to the Sheriff Clerk of the County and to the Town Clerk of each such Burgh a written Notice of the Days, within the Period above mentioned, on which he is to hold such Courts; and such Town Clerk shall forthwith cause public Notice of such Burgh Registration Courts to be given by Advertisement in One or more Newspapers circulating within such Burgh, and shall cause a Copy of such Notice, written or printed, to be delivered to the Assessors of such Burgh, and shall require them to attend at the Courts therein appointed for the Revision of such Lists of Voters.

Town Clerks, &c. to attend Burgh Registration Courts, and produce Lists, Valuation Rolls, &c.

XX. The Town Clerk of every Burgh, and all Assessors of the same, shall attend the Courts to be holden by the Sheriff for such Burgh; and the Town Clerk shall, at the First Court, deliver to the Sheriff the List of Voters; that is to say, the List first made out by such Assessor, and the Lists of Claimants and of Persons objected to in the then current Year, relating to such Burgh, and also, from and after the Year One thousand eight hundred and fifty-six, One or more printed Copies of the Register of Voters then in force; and the said Assessors shall deliver to the Sheriff the original Notices of Claim and Objection; and the Person having the Custody of the Valuation Roll then in force shall have the same on the Table of the Registration Court; and the Town Clerk and Assessors respectively shall produce all Documents, Papers, and Writings in their Power touching any matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

Claimants omitted in Lists may be enrolled by Sheriff.

XXI. If any Person who shall have given to the Assessor due notice of his Claim to have his name inserted in the List of Persons entitled to Vote in the Election of a Member to serve in Parliament for such Burgh shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is, and was on the last Day of *July* last preceding, entitled to be inserted therein, in respect of the Qualification described in such Notice of Claim.

But Claims omitted may be objected to.

XXII. It shall be lawful for any Person whose Name shall be on any List of Voters for any Burgh to oppose the Claim of any Person to have his Name inserted in the List of Voters for the same Burgh; and such person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Sheriff of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeals, and other Matters relating to the Hearing and Determination of the said Claim, as any person who shall have duly objected to the name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Sheriffs to revise and correct Lists.

XXIII. The Sheriff shall correct any mistake which shall be proved to him to have been made in any List, and shall expunge the name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote, and also the Name of every Person who shall be proved to him to be dead; and if in entering the Name and Qualification of any Voter anything requiring to be specified be omitted, or if any Description be insufficient for Identification, such Sheriff shall expunge the Name of every Person so entered, unless the Matter so omitted or insufficiently described be supplied to his Satisfaction before he shall have completed the Revision of the List; and such Sheriff shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected, or any Omission supplied, or any insertion made by him.

Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.

XXIV. It shall at all Times be competent to any Sheriff or to any Sheriff Substitute acting under the first-recited Act or this Act upon *ex parte* Application made to him to that effect, by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Registration Court to be holden by such Sheriff or his Substitute, or before any Court of Appeal of which such Sheriff may be entitled to be a Member; and such Warrants of Citation and Diligence shall be equally valid as if granted by such Sheriff or Sheriff Substitute in the Course of any ordinary or summary Process or Procedure before him; and shall be valid notwithstanding that the Appeal Court to which such Citation or Diligence refers be holden without the Limits of the ordinary Jurisdiction of such Sheriff.

Sheriffs may adjourn Registration Courts, but to conclude Business by 30th September annually.

XXV. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, but so that no such adjourned Court shall be holden after the Thirtieth Day of *September* in any year; and, at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to Administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly.

On Completion of Business of Registration Courts, Lists of Voters to be delivered to Town Clerk for Production at Appeal Courts.

XXVI. On the Revision of the Lists of Voters for any Burgh in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the First Day of *October* in such Year, deliver the same to the Town Clerk of such Burgh; and such Town Clerk shall retain the same in his Possession, and produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

Persons dissatisfied may appeal, and all Appeals in Burghs to be disposed of

XXVII. It shall be competent to any Party dissatisfied with the Judgment of the Sheriff, under this or the first-recited Act, to appeal against the same to the Court of Appeal established with reference to such Sheriff by the said recited Act, and in the Manner by the said Act prescribed; and it shall be competent to the said Court of Appeal to hold its Court, and to review all such Judgments of the said Sheriff, and to dispose of such Appeals, as provided by the said Act: Provided always, that the said Courts of Appeal shall begin to hold their

Courts

by 21st and in Counties by 31st October.

Courts on some Day between the Thirtieth Day of *September* and Eighth Day of *October* in each Year, and shall finally determine all such Appeals in Burghs on or before the Twenty-first Day of *October* thereafter, and in Counties on or before the Thirty-first Day of *October* thereafter; provided also, that in Burghs, in place of the Mode of pronouncing Judgment or Sentence by the said Court of Appeal prescribed by the said recited Act, One of the Judges of the said Court of Appeal shall make upon the Lists or Registers themselves the Alterations or Corrections which may be necessary to give Effect to their Judgments, and the said Judges shall sign the same with their Initials respectively.

Town Clerks, &c. to attend Appeal Courts.

XXVIII. All Town Clerks, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of this Act shall be bound to give the like Attendance, and to make the like Productions, in each Year, before the Court of Appeal reviewing the Judgments of such Sheriff under this and the first-recited Act.

Town Clerks to cause Burgh lists to be printed, and to authenticate them.

XXIX. The Town Clerk of every Burgh shall forthwith, after the Thirtieth Day of *September* in each Year, or sooner if the Registration Court shall be earlier concluded, cause the Lists of Voters for such Burgh, signed as aforesaid, to be copied and printed in a Book, arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts: each Ward or Polling District being arranged, as far as conveniently may be, in the alphabetical Order of the Surnames of the Persons registered as Voters, or otherwise, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and each such Street, Square, Lane, and other Place being arranged according to the Numbers of the Houses; and the Arrangement in all Places in which the Houses are not distinguished by Numbers being according to the alphabetical Order of the Surnames of Persons registered as Voters; and the said Book shall be so arranged and printed, that the List of Voters of and for each and every separate Ward, and each and every separate Polling District, may be cut out or detached, and ready for the Purposes of this Act, or for Sale as aforesaid; and the said Town Clerk shall forthwith, after the Twenty-first Day of *October* in each Year, make all such Corrections and Alterations on the said Book as may be necessary to give Effect to all Decisions of the Court of Appeal, and shall prefix to every Name in the said Register Book its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name; and shall cause the said Book to be printed off as so corrected; and the said Town Clerk shall sign the said Book so completed, and deliver the same, on or before the Thirty-first Day of *October*, to the Sheriff of the County, to be by him kept for the Purposes hereinafter and in the said first-recited Act mentioned.

Lists so printed to be the Register of Voters.

XXX. The said printed Book or Books so signed as aforesaid by the Town Clerk of any Burgh and delivered to the Sheriff shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same Burgh between the Thirty-first Day of *October* in the Year wherein such Register shall have been made and the First Day of *November* in the succeeding Year; and the Town Clerk of every Burgh shall keep printed Copies of such Register for such Burgh, and shall deliver Copies thereof or of any Part thereof to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table Number 2. of the Schedule B. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Ward, or Polling District of a Burgh, without taking or paying for the whole that relates to such Ward or Polling District respectively; provided also, that the Register of Electors now existing shall be the Register in force for Elections of Members of Parliament until the First Day of *November* in the Year One thousand eight hundred and fifty-six; provided further, that any merely clerical Error which may be found to exist in any such printed Book may be competently corrected at any Time by the Sheriff of the County on its being proved to him to exist; and such Correction shall be made by the Sheriff writing such Correction on such printed Book and signing his Name and the Date of such Correction against the same.

Register of Voters to be in force till new Register established.

XXXI. Every Register of Voters established or that shall be established for any Burgh shall continue to be the Register for such Burgh until the same shall be revised, and a new Register shall be completed, pursuant to this Act.

Burgh Registers under this Act to come in place of Registers established by 2 & 3 W. 4. c. 65.

XXXII. The Register of Voters in any Burgh as completed by the Court of Appeal in each Year shall, for all the Purposes of the Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the first-recited Act; and so much of the said recited Act of the Third and Fourth *William* Fourth as enacts that the Town Clerk of each Burgh shall, on or before the Sixteenth of *September* in each Year, make up and complete the List or Roll of Persons entitled to vote in the Election of the Common Council of the Burgh, is hereby repealed, and the said List or Roll shall be made up and completed on or before the Thirty-first Day of *October* in all future Years.

Payments by Persons claiming to be registered, &c. abolished.

XXXIII. All Provisions of the first-recited Act as to any Payments thereby required to be made in Burghs by any Persons claiming to be registered or to vote, or objecting to the Claims of Persons claiming to be registered or to vote for any Burgh, are hereby repealed.

How Distances to be measured.

XXXIV. The distance of Seven Statute Miles in the first-recited Act mentioned, and therein prescribed, as to the Residence of Voters for any Burgh, shall be understood to be the Distance of Seven Miles as measured in a straight Line on the Horizontal Plane from any Point from which such Distance is to be measured according to the Direction in that Behalf given in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any Burgh and of the Country surrounding the same, drawn or published under the Authority and Direction of the Principal Officers of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

When a Sunday is last-named Day, the Day after to be the last Day.

XXXV. When any of the Days on which or before which any Acts and Proceedings are by this or the first-recited Act appointed to be transacted shall happen to be a *Sunday*, then and in that Case the several Acts and Proceedings appointed to take place on or before such Day shall take place on or before the Day next ensuing.

Agents and Mandatories may act for Party.

XXXVI. Any Claim, Objection, Notice of Appeal, or other Writ may be signed, and any Proceedings under this Act may be prosecuted, by any Person as Agent or Mandatory for the Party thereto; and any Mandate bearing to be signed by such Party shall be *primâ facie* a sufficient Mandate; and every such Mandate shall have all the Privileges attaching to any Judicial Mandate.

No written Pleadings to be allowed in Registration Courts.

XXXVII. No written Pleadings shall in any Case be allowed in support of any Claim or Objection or Title to be registered; and it shall not be necessary for the Sheriff to make a Note of any Statement or Plea submitted to him in the Registration Court, but he shall make a Note of the Names of the Witnesses, and shall affix his Signature to any Deeds, Writings, or Documents produced in the Registration Court in support of any Claim, Objection, or Title to be registered; and it shall not be competent to adduce in the Appeal Court any Witnesses not named in said Note, or to produce any Deeds, Writings, or Documents to which the Signature of the Sheriff is not affixed.

XXXVIII. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend as a Witness or a Haver before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay, by way of Fine, for every such Offence, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Penalty on Persons not attending Registration Courts when required.

XXXIX. It shall be competent to every Sheriff, subject to the Review of the Appeal Court, and to every Appeal Court under this Act, to award Expenses against any Party maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Suit awarded by any Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of this Act, shall have the same Title to demand from the Party citing them or causing them to be cited, as such Witnesses or Havers, their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

XL. Any Assessor who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or List, or Copy of any Register of Voters, at the Time and in the Manner required by this Act; and any Town Clerk who shall culpably neglect to print a correct Register of Voters pursuant to this Act, and any Assessor or Town Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay, by way of Fine, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Assessor or other Person liable to any Fine as aforesaid, or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties on Assessors and others for Neglect of Duty.

XLI. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an order in Writing stating the Sum payable for such Fine, direct by

Penalties to be applied for the Purposes of this Act.

and to whom and when the same shall be paid; and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any Burgh, he shall pay over the Sum so received by him to the Assessor for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XLII. The Town Clerk of every Burgh shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the Assessor for the Purposes of this Act; and in like Manner every Assessor shall keep an Account of the Monies received by him from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessor specially appointed as aforesaid.

Expenses of annual Registrations, how to be defrayed.

XLIII. As soon as may be after the Completion of each annual Registration under this Act, the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such Burgh, and shall ascertain and fix the just amount thereof, including therein any Remuneration to Assessors and Town Clerks respectively, which they may deem proper; and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Magistrates shall cause the Amount of such Excess to be apportioned upon the Parishes within such Burgh, according to the yearly Rent or value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any Burgh arising from such Assessment under this Act, in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Magistrates thereof, in such Manner as they may deem fit, for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no Burgh shall be liable under this Act for any expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses.

Register to be conclusive Evidence of Qualification.

XLIV. At every future Election for a Member or Members to serve in Parliament for any Burgh or District of Burghs, the Register of Voters so made as aforesaid or under the said recited Act, shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their names respectively in the Register in force at such Election, and such Persons shall not be required to take the Oath of Possession.

Penalty on Persons wilfully contravening this Act.

XLV. Every Sheriff, Town Clerk, Assessor, or other Person or public Officer required by this Act to do any Matter or Thing, shall, for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of One Hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process, by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer, according to any Law now in force.

Misnomer not to vitiate.

XLVI. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice, as to be commonly understood; and it shall be lawful to any Sheriff, in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Sheriff Principal or Sheriffs

XLVII. It shall be in the Power of the Sheriff Principal of each County, or of the Sheriffs constituting any Court of Ap-

peal

to issue Regulations for carrying Act into effect.

peal under the said first-recited Act, with consent of the Lord Advocate, to issue any Regulations he or they shall find necessary in order to carry this Act into effect during this present Year Eighteen Hundred and fifty-six; and in case any Claims or Objections with reference to any Burgh shall be given in during this present Year in Terms of the said first-recited Act. the same shall be transmitted by the Town Clerk to the Assessor, and in so far as not given Effect to by him shall be included in the List of Claimants and of Persons objected to respectively to be published in Terms of this Act, and any Notices given in Terms of the said first-recited Act prior to the passing of this Act, which in consequence thereof are unnecessary or inconsistent with the Provisions of this Act, shall be of no Effect.

Interpretation of Terms.

XLVIII. The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows, except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say), the expression "the Assessor" shall mean the Assessor of the Burgh in and for which he is Assessor, appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of her present Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the Burgh in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Word "Burgh" shall extend to and include any City, Burgh, or Town entitled as such by the first-recited Act to send or to contribute to send a Member or Members to serve in Parliament, and as the same is limited and bounded by the said first-recited Act; the Word "Magistrates" shall include Magistrates and Council; the Words "Oath of Possession" shall mean and include the Words "That I am still Proprietor (or Occupant) of the Property for which I am so registered, and hold the same for my own Benefit and not in trust for or at the Pleasure of any other Person;" the Words "Town Clerk" shall extend and apply to any Person executing the Duties of such Town Clerk, or if in any Burgh there shall be no such Officer as Town Clerk, then to any Officer executing the same or the like Duties as usually devolve upon the Town Clerk, or if in any Burgh there be no such Person, then to such Person as the Sheriff of the County in which such Burgh is situate may appoint for that Purpose, which he is hereby authorized to do.

17 & 18 Vict. c. 91.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

No. I.

The List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of .

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Voter at full Length.	Occupation.	Place of Abode.	Nature of Qualification.

Alphabetical List.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) *A. B.*
Assessor of the Burgh of .

No. 2.

Forms of Notice of Claim to be given to Assessors.

To the Assessor of the Burgh of .

I hereby give you Notice, that I claim to have my Name inserted in the List of Persons entitled to vote in the Election of a Member (*or* Members) for the Burgh of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 185 .

(Signed) *C.D.*

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).

No. 3.

Burgh of .

List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member (*or* Members) of Parliament for the Burgh of .

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Claimant at full Length.	Occupation.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other place where Property is situate.

(Signed) *A. B.*

Assessor of the Burgh of .

No. 4.

Form of Notice of Objection to be given to Assessors.

To the Assessor of the Burgh of

I hereby give you Notice, that I object to the Name of *A.B.*, who is described as follows, (*here insert the Entry applicable to such Person in the Assessor's List of Voters,*) being retained in the List of Persons entitled to vote in the Election of a Member (*or* Members) for the Burgh of .

Dated this Day of , 185 .

(Signed) *E.F.*

(Place of Abode.)

No. 5.

Form of Notice of Objection to be given to Parties objected to.

Burgh of

To Mr

Take Notice, that I object to your Name being retained on the List of Persons entitled to vote in the Election of Members (*or* a Member) for the Burgh of

Dated this Day of , 185 .

(Signed) *E.F.*

(Place of Abode.)

No. 6.

List of Persons objected to, to be published by the Assessors.

Burgh of

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member (*or* Members) for the Burgh of :—

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.	Street, Lane, or other Place, where the Property is situate.

(Signed) *A.B.*

Assessor of the Burgh of .

SCHEDULE B.

No. 1.

Table of Rates of Payment to be demanded and paid for any List or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List, or Copy of a List, containing any Number of Persons Names:—

	s.	d.
Not exceeding 100 Names . . .	0	6
Exceeding 100 and not exceeding 200 .	1	0
Exceeding 200 and not exceeding 300 .	1	6
Exceeding 300 and not exceeding 400 .	2	0
Exceeding 400	2	6

No. 2.

Table of Rates of Payment to be demanded and paid for any Copy of a Register, or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register, or any Parts of any Register, containing any Number of Persons Names:—

	s.	d.
Not exceeding 1000 Names . .	1	0
Exceeding 1000 and not exceeding 3000 .	2	6
Exceeding 3000 and not exceeding 6000 .	5	0
Exceeding 6000 and not exceeding 9000 .	7	6
Exceeding 9000	10	0

CAP. LIX.

An Act to alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue.—[21*st* July 1856.]

CAP. LX.

An Act to amend the Laws of Scotland *affecting Trade and Commerce.*—[21*st* July 1856.]

WHEREAS Inconvenience is felt by Persons engaged in Trade by reason of the Laws of *Scotland* being in some Particulars different from those of *England* and *Ireland* in Matters of common Occurrence in the course of such Trade, and with a view to remedy such Inconvenience it is expedient to amend the Law of *Scotland* as herein-after is mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Goods sold, but not delivered, not to be attachable by Creditors of the Seller.

I. From and after the passing of this Act, where Goods have been sold, but the same have not been delivered to the Purchaser, and have been allowed to remain in the Custody of the Seller, it shall not be competent for any Creditor of such Seller, after the Date of such Sale, to attach such Goods as belonging to the Seller by any Diligence or Process of Law, including Sequestration, to the Effect of preventing the Purchaser or others in his Right from enforcing Delivery of the same; and the Right of the Purchaser to demand Delivery of such Goods shall from and after the Date of such Sale be attachable by or transferable to the Creditors of the Purchaser.

Seller not entitled to a Right of Retention generally against Second Purchaser.

II. Where a Purchaser of Goods who has not obtained Delivery thereof shall after the passing of this Act sell the same, the Purchaser from him or any other subsequent Purchaser shall be entitled to demand that Delivery of the said Goods shall be made to him and not to the original Purchaser; and the Seller, on Intimation being made to him of such subsequent Sale, shall be bound to make such Delivery, on Payment of the Price of such Goods, or Performance of the Obligations or Conditions of the Contract of Sale, and shall not be entitled, in any Question with a subsequent Purchaser, or others in his Right, to retain the said Goods for any separate Debt or Obligation alleged to be due to such Seller by the original Purchaser: Provided always, that nothing in this Act contained shall prejudice or affect the Right of Retention of the Seller for Payment of the Purchase Price of the Goods sold, or such Portion thereof as may remain unpaid, or for Performance of the Obligations or Conditions of the Contract of Sale, or any Right of

Retention competent to the Seller, except as between him and such subsequent Purchaser, or any such Right of Retention arising from express Contract with the original Purchaser.

Arrestment and Poinding of Goods by Seller.

III. Any Seller of Goods may attach the same while in his own Hands or Possession, by Arrestment or Poinding, at any Time prior to the Date when the Sale of such Goods to a subsequent Purchaser shall have been intimated to such Seller, and such Arrestment or Poinding shall have the same Operation and Effect in a Competition or otherwise as an Arrestment or Poinding by a Third Party.

Rights of Landlord not to be affected.

IV. Nothing herein-before contained shall prejudice or affect the Landlord's Right of Hypothec and Sequestration for Rent.

Seller not held to warrant Goods, except there be an express Warranty in Contract.

V. Where Goods shall, after the passing of this Act, be sold, the Seller, if at the Time of the Sale he was without Knowledge that the same were defective or of bad Quality, shall not be held to have warranted their Quality or Sufficiency, but the Goods, with all Faults, shall be at the Risk of the Purchaser, unless the Seller shall have given an express Warranty of the Quality or Sufficiency of such Goods, or unless the Goods have been expressly sold for a specified and particular Purpose, in which Case the Seller shall be considered, without such Warranty, to warrant that the same are fit for such Purpose.

Guarantees, &c. to be in Writing.

VI. From and after the passing of this Act, all Guarantees, Securities, or Cautionary Obligations made or granted by any Person for any other Person, and all Representations and Assurances as to the Character, Conduct, Credit, Ability, Trade, or Dealings of any Person, made or granted to the Effect or for the Purpose of enabling such Person to obtain Credit, Money, Goods, or Postponement or Payment of Debt, or of any other Obligation demandable from him, shall be in Writing, and shall be subscribed by the Person undertaking such Guarantee, Security, or Cautionary Obligation, or making such Representations and Assurances, or by some Person duly authorized by him or them, otherwise the same shall have no Effect.

Guarantees to or for a Firm not to be binding after any Change of the Firm, except in special Cases.

VII. No Guarantee, Security, Cautionary Obligation, Representation, or Assurance granted or made after the passing of this Act to or for a Company or Firm consisting of Two or more Persons, or to or for a single Person trading under the Name of a Firm, shall be binding on the Granter or Maker of the same in respect of anything done or omitted to be done, after a Change shall have taken place in any One or more of the Partners of the Company or Firm to which the same has been granted or made, or of the Company or Firm for which the same has been granted or made: Unless the Intention of the Parties that such Guarantee, Security, Cautionary Obligation, Representation, or Assurance, shall continue to be binding,

ing, notwithstanding such Change, shall appear either by express Stipulation, or by necessary Implication from the Nature of the Firm or otherwise.

Cautioners not to be entitled to Benefit of Discussion.

VIII. Where any Person shall, after the passing of this Act, become bound as Cautioner for any Principal Debtor, it shall not be necessary for the Creditor to whom such Cautionary Obligation shall be granted, before calling on the Cautioner for Payment of the Debt to which such Cautionary Obligation re- as now required by Law; but it shall be competent to such fers, to discuss or do Diligence against the Principal Debtor, Creditor to proceed against the Principal Debtor and the said Cautioner, or against either of them, and to use all Action or Diligence against both or either of them which is competent according to the Law of *Scotland:* Provided always, that nothing herein contained shall prevent any Cautioner from stipulating in the Instrument of Caution that the Creditor shall be bound before proceeding against him to discuss and do Diligence against the Principal Debtor.

Discharge of One Cautioner to operate as a Discharge to all.

IX. From and after the passing of this Act, where Two or more Parties shall become bound as Cautioners for any Debtor, any Discharge granted by the Creditor in such Debt or Obligation to any One of such Cautioners without the Consent of the other Cautioners shall be deemed and taken to be a Discharge granted to all the Cautioners; but nothing herein contained shall be deemed to extend to the Case of a Cautioner consenting to the Discharge of a Co-cautioner who may have become bankrupt.

Date of Bills or Notes may be proved by Parole.

X. From and after the passing of this Act, where any Bill of Exchange or Promissory Note shall be issued without Date, it shall be competent to prove by Parole Evidence the true Date at which such Bill or Note was issued: Provided always, that Summary Diligence shall not be competent on any Bill or Note issued without a Date.

Acceptance of Bill of Exchange must be in Writing.

XI. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of *December* One thousand eight hundred and fifty-six shall be sufficient to bind or charge any Person unless the same be in Writing on such Bill, or if there be more than one Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

All Bills drawn within the United Kingdom, &c. on any Party within the

XII. Every Bill of Exchange drawn in any Part of the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man, Guernsey, Jersey, Alderney,* and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall

United Kingdom, &c. to be held Inland Bills.

shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which but for this Enactment would be payable in respect of any such Bill.

Notarial Protest not to be necessary, except for the Purpose of Summary Diligence.

XIII. From and after the passing of this Act, where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and the same shall be dishonoured by not being accepted or paid, or where any Promissory Note shall be presented for Payment, and dishonoured by not being paid, it shall not be necessary that a Notarial Protest shall be taken on such Bill of Exchange or Promissory Note in order to preserve Recourse against the Drawer or Indorser of such Bill or Promissory Note respectively: but it shall be sufficient to prove such Presentment and Dishonour, to the Effect of preserving Recourse as aforesaid by other competent Evidence, either written or parole: Provided always, that nothing herein contained shall be taken to affect the Necessity for a Notarial Protest in order to entitle the Holder of any Bill or Note to proceed with Summary Diligence thereon.

Notice of Dishonour in the Case of Inland Bills to be given as in the Case of Foreign Bills.

XIV. Where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and such Acceptance or Payment shall be refused, or where any Promissory Note shall be presented for Payment, and Payment shall be refused, Notice of the Dishonour of such Bill or Promissory Note by such Refusal to accept or pay shall, in order to entitle the Holder to have Recourse to any other Party, be given in the same Manner and within the same Time as is required in the Case of Foreign Bills by the Law of *Scotland*.

When Bill lost, stolen, or fraudulently obtained, Holder must prove Value given.

XV. Where any Bill or Note has been lost, stolen, or fraudulently obtained, the Holder of such Bill or Note suing or doing Diligence thereon shall be bound to prove that Value was given by him for the same; but such Proof may be made by Parole Evidence.

Holder of Bill or Note indorsed after Period of Payment to be subject to Objections, &c.

XVI. When any Bill of Exchange or Promissory Note shall, after the passing of this Act, be indorsed after the Period when such Bill of Exchange or Promissory Note became payable, the Indorsee of such Bill or Note shall be deemed to have taken the same subject to all Objections or Exceptions to which the said Bill or Note was subject in the Hands of the Indorser.

Carriers to be liable for Losses

XVII. From and after the passing of this Act, all Carriers for Hire of Goods within *Scotland* shall be liable to make good to the Owner of such Goods all Losses arising from accidental Fire while such Goods were in the Custody or Possession of such Carriers.

XVIII. In relation to the Rights and Remedies of Persons having Claims for Repairs done to or Supplies furnished to or for Ships, every Port within the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

by accidental Fires.

Every Port in United Kingdom, &c. to be deemed a Home Port.

XIX. The Court of Session is hereby empowered from Time to Time, after the passing of this Act, to make such Regulations by Act or Acts of Sederunt as the said Court may deem meet for carrying into effect the Purposes of this Act: Provided always, that within Fourteen Days from the Commencement of any future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

Court of Session to make Regulations for carrying Act into effect.

XX. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, *Scotland*, 1856."

Title of Act.

XXI. Nothing in this Act contained shall apply to any Part of the United Kingdom except *Scotland*.

Act to apply to Scotland only.

CAP. LXI.

An Act to continue an Act for the Survey of Great Britain, Berwick-upon-Tweed, *and the* Isle of Man.—[21*st* July 1856.]

Repealed by 33 & 34 *Vict.* *s.* 13.

CAP. LXII.

An Act to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in Ireland.—[21*st* July 1856.]

CAP. LXIII.

An Act to amend the Acts relating to Grand Juries in Ireland.—[21*st* July 1856.]

CAP. LXIV.

An Act to repeal certain Statutes which are not in use.—[21*st* July 1856.]

Spent.

CAP. LXV.

An Act to encourage the providing of improved Dwellings for the Labouring Classes in Ireland. —[21*st* July 1856.]

CAP. LXVI.

An Act to extinguish certain Rights of Way and to stop up certain Roads and Paths near the Camp at Aldershot.—[21*st* July 1856.]

CAP. LXVII.

Expired in part. Residue spent.

An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland, *and to amend the said Acts.*—[21*st* July 1856.]

CAP. LXVIII.

Repealed in part, 26 & 27 Vict. c. 66. s. 3.

An Act to further amend the Laws relating to Prisons in Ireland.—[21*st* July 1856.]

CAP. LXIX.

An Act to render more effectual the Police in Counties and Boroughs in England *and* Wales.—[21*st* July 1856.]

CAP. LXX.

An Act to render valid certain Marriages in the Church at Coatham *in the Parish of* Kirk Leatham *in the County of* York.—[29*th* July 1856.]

CAP. LXXI.

An Act to continue certain Acts for regulating Turnpike Roads in Ireland.—[29*th* July 1856.]

Expired.

CAP. LXXII.

An Act to continue " The Railways Act (Ireland), 1851."—[29*th* July 1856.]

Expired.

CAP. LXXIII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[29*th* July 1856.]

Repealed by 34 & 35 *Vict.* *s.* 48.

CAP. LXXIV.

An Act to continue the Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England.—[29*th* July 1856.]

Expired.

CAP. LXXV.

An Act for the further Alteration and Amendment of the Laws and Duties of Customs.—[29*th* July 1856.]

Repealed in part, 25 & 26 *Vict. c.* 63. *s.* 2.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Free Goods.

I. The Duties of Customs chargeable on the Goods, Wares, and Merchandise next hereafter mentioned, imported into the

United Kingdom, shall cease and determine on and after the Sixth Day of *July* One thousand eight hundred and fifty-six :

Bichromate of Potash :
Metal of any sort, old, and fit only to be re-manufactured.

New Duties.

II. And in lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, imported into the United Kingdom, the following Duties of Customs shall be charged on and after the said Sixth Day of *July* One thousand eight hundred and fifty-six :

		£	*s.*	*d.*
Beer, Spruce, the Barrel - -		1	0	0
Musical Instruments ; viz., Instruments of Brass, Copper, or of any other Metal, and Parts of such - -	the lb.	0	0	9
Vinegar - -	the Gallon	0	0	3

Penalty on Persons cutting adrift Boats belonging to the Customs.

III. Every Person who shall wilfully cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other Way injure or conceal, any Boat, Buoy, Rope, or Mark in the Charge of or used by any Person for the Prevention of Smuggling, or in or for the Use of the Service of the Customs, shall for every such Offence forfeit the Sum of Ten Pounds.

Section 22 of 18 & 19 Vict. c. 96. to include Bailiff, &c. in Channel Islands.

IV. The Bailiff or Chief Magistrate of *Guernsey* and *Jersey*, and the Judge and Magistrates of *Alderney*, shall have the same Powers as are by Section Twenty-two of "The Supplemental Customs Consolidation Act, 1855," extended to Jurats of the *Channel Islands*.

Subsistence Allowance to poor Prisoners, and Payment of Gaol Fees in Channel Islands.

V. The Commissioners of Customs may, out of any Money in their Hands voted by Parliament, allow and pay for the necessary Subsistence of any poor Person confined in any Prison in the *Channel Islands*, under or by virtue of any Process for the Recovery of any Duties, Penalties, or Forfeitures under this or any other Act relating to the Customs, such weekly or daily Sum as by the Regulations of the Prison in which such poor Person may be confined is required for the Maintenance of poor Insolvent Debtors, and also such Gaol Fees as are properly payable in respect of any Prisoner or Defendant at the Suit of the Crown for any Offence against the Laws relating to the Customs.

Commissioners of Customs may invest certain surplus Monies in their

VI. Whereas by an Act of the Second and Third Years of the Reign of King *William* the Fourth, Chapter Ninety, the Commissioners of Her Majesty's Treasury, or any Three or more of them, are empowered to grant to certain Inspectors and Meters of Coals in the City of *Dublin* entitled to certain Fees and Payments a Compensation for the Loss of the same, not exceeding in Amount to any one of them the respective Sums set forth in the Schedule to that Act: And whereas by the said Act the Sum of Fourpence was, with Power from Time to Time to reduce the same, imposed upon every Ton of Coals imported into the Port of *Dublin*, to provide a Fund for Payment of such Compensation, and the same has been reduced to One Halfpenny *per* Ton: And whereas it is expedient to provide for the Disposal of the same and any further surplus Monies arising from such Fund during the Existence of the Persons so entitled to such Compensation: And whereas it is expedient, with a view to the Abolition of the said Tolls at the earliest possible Period, to provide for the Disposal of any Sums now in hand, and any further surplus Monies arising from the Collection of such Tolls, in the Purchase of Government Annuities on the Lives of the Persons entitled to Compensation under the said Act, and apply the same in satisfaction thereof, whereupon the said Tolls may cease: Be it enacted, That the Commissioners of Customs out of any such surplus Monies now in their Hands, or which may hereafter from Time to Time come to their Hands by virtue of the said Act, may invest the same in the Purchase of Government Annuities, and pay and apply such Annuities to the Use and Benefit of such Persons as may during their Lives respectively be entitled to receive the Compensation Allowances granted under and by virtue of the said Act.

Hands, and apply Proceeds to Payment of Compensations.

Costs awarded to be paid to Crown to be received by Collector of Customs.

VII. All Sums, including Justices Clerks Fees, awarded to be paid as Costs to or for Her Majesty by any Justice in respect of any Proceedings for the Recovery of any Duty, Penalty, or Forfeiture under any Act relating to the Customs or to Trade or Navigation, shall be paid over to the Collector of Customs at the Port where any such Proceedings may be instituted, who shall account for the same in such Manner as the Commissioners of Customs may direct.

Fees payable to Justices Clerks for Investigations under "Merchant Shipping Act, 1854."

VIII. There shall be payable to Justices Clerks, in respect of formal Investigations into Wrecks, under the Provisions of "The Merchant Shipping Act, 1854," held at the Instance of the Solicitor for the Customs, by Direction of the Board of Trade, or at the Request of any Officer of Customs or Coast Guard, the several Sums specified in the Table of Fees to this Act annexed.

Act to be registered in the Royal Courts of Guernsey and Jersey.

IX. This Act shall be registered in the Royal Courts of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Commencement of Act.

X. This Act shall be deemed to commence and come into operation from and after the Fifth Day of *July* One thousand eight hundred and fifty-six.

TABLE of FEES referred to in the foregoing Act.

		£	*s.*	*d.*
Taking Instructions to hold Investigation		0	3	4
Convening Justices		0	5	0
Summons (and Duplicate) to Witness	each	0	3	0
For Officer or Person employed to serve Summons	each Service	0	2	6
Taking down Examination of Witness in Writing	per Folio	0	0	8
Copy of Evidence (when required)	per Folio	0	0	2
Drawing Report to Board of Trade	per Folio	0	1	0
Fair Copy	per Folio	0	0	4
Attending Justices for their Approval and Signature		0	3	4
Letter to Board of Trade with Report		0	3	6

CAP. LXXVI.

Expired.

An Act to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.—[29*th* July 1856.] (England.)

CAP. LXXVII.

An Act to amend the Law and Practice of the Court of Chancery in Ireland *in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court.*—[29*th* July 1856.]

CAP. LXXVIII.

CAP. LXXVIII.

An Act to continue the Act of the Second and Third Years of Her Majesty, Chapter Seventy-four, for preventing the administering and taking of unlawful Oaths in Ireland, *as amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign.* —[29*th* July 1856.]

Spent in part. Residue expired.

CAP. LXXIX.

An Act to consolidate and amend the Laws relating to Bankruptcy in Scotland.—[29*th* July 1856.]

WHEREAS it is expedient to consolidate and amend the Laws relating to Insolvency and Bankruptcy, and for regulating the Sequestration of Estates of Bankrupts, in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title, and Commencement of Act.

I. This Act may be cited as the "Bankruptcy (*Scotland*) Act, 1856," and shall come into operation on and after the First Day of *November* One thousand eight hundred and fifty-six.

54 G. 3. c. 137.; 2 & 3 Vict. c. 41.; and 16 & 17 Vict. c. 53. repealed.

II. The Acts passed in the Sessions of Parliament holden in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter One hundred and thirty-seven, and in the Second and Third Year of the Reign of Her present Majesty, Chapter Forty-one, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Fifty-three, are hereby repealed; saving always their Effect in regard to any Act or Deed done or granted prior to the Date of this Act coming into operation.

III. All

Effect on existing Sequestrations.

III. All Sequestrations awarded on and after the said Date, or Proceedings occurring on or after the said Date in Sequestrations which have been awarded before it under former Acts, unless it be otherwise herein-after provided, shall, if and so soon as an Interlocutor to that Effect pronounced by the Lord Ordinary shall become final, or if and so soon as an Interlocutor to that Effect shall be pronounced by the Court, be regulated by this Act: Provided always, that until such Interlocutor by the Lord Ordinary shall become final, or until such Interlocutor shall be pronounced by the Court, Proceedings in Sequestrations awarded before the said Date shall be conducted as if the Acts hereby repealed were still in force, and such Proceedings shall thereon be as valid as if the said Acts were unrepealed.

Construction and Meaning of certain Words.

IV. In this Act the Words "Lord Ordinary" shall mean the Lord Ordinary officiating on the Bills in the Court of Session; the Word "Deliverance" shall include any Order, Warrant, Judgment, Decision, Interlocutor, or Decree: the Words "Clerk or Officer of the Court of Session" shall include the Keeper of the Register of Abbreviates of Adjudications; the Word "Accountant" shall mean the Accountant in Bankruptcy appointed under this Act; the Word "Gazette" shall signify the *Edinburgh Gazette*; the Word "Commissioners" shall mean a Majority of the Commissioners elected under the Provisions of this Act; the Words "Property" and "Estate" shall, when not expressly restricted, include every kind of Property, Heritable or Moveable, wherever situated, and all Rights, Powers, and Interests therein capable of legal Alienation, or of being affected by Diligence or attached for Debt; the Word "Moveable" shall include Personal, and the Word "Heritable" shall include Real; the Word "Security" shall include Securities, Heritable or Moveable, and Rights of Lien, Retention, or Preference, and Conveyances thereof and any Part thereof; the Word "Sheriff" shall include Sheriff Substitute, unless the Context indicate the contrary; the Word "Successors" shall include all Persons who have succeeded to any Property which was vested in a Party deceased at the Time of his Death, whether as Heirs, Heirs Apparent, Trustees under voluntary Conveyances, Representatives by Deed or otherwise, Executors, Administrators, or nearest of Kin, or as Assignees, or Legatees, and shall also include Singular Successors where they have acquired the Right; the Word "Vote" shall, as well as the ordinary Meaning thereof, include a Consent to any Offer of Composition, and to a Discharge of the Debtor, and also a Dissent from such Offer or Discharge; the Word "Company"

"Company" shall include Bodies Corporate, Politic, or Collegiate, and Partnerships; the Words "Partner of a Company" shall include the Members of such Bodies; the Words "Debtor," "Bankrupt," and "Creditor" shall apply to Companies as well as Individuals, and shall include Aliens, unless in this, and also in the other Cases herein-above specified, a different Construction shall be provided.

Reckoning of Time.

V. Periods of Time in this Act shall be reckoned exclusive of the Day from which such Period is directed to run.

Dates of Deeds.

VI. The Date of a Deed under this Act, or under the Act passed in the Parliament of *Scotland* held in the Year One thousand six hundred and ninety-six, Chapter Five, shall be the Date of Recording of the Sasine, where Sasine is requisite, and, in other Cases, of Registration of the Deed, or of Delivery, or of Intimation, or of such other Proceeding as shall in the particular Case be requisite for rendering such Deed completely effectual.

Constitution and Effects of Notour Bankruptcy.

Notour Bankruptcy of Individuals.

VII. Notour Bankruptcy shall be constituted by the following Circumstances:

1st. By Sequestration, or by the issuing of an Adjudication of Bankruptcy in *England* or *Ireland*; or

2d. By Insolvency, concurring either—

(A.) With a duly executed Charge for Payment, followed, where Imprisonment is competent, by Imprisonment or formal and regular Apprehension of the Debtor, or by his Flight or absconding from Diligence, or Retreat to the Sanctuary, or forcible defending of his Person against Diligence, or, where Imprisonment is incompetent or impossible, by Execution of Arrestment of any of the Debtor's Effects not loosed or discharged for Fifteen Days, or by Execution of Poinding of any of his Moveables, or by Decree of Adjudication of any Part of his Heritable Estate for Payment or in Security; or

(B.) With Sale of any Effects belonging to the Debtor under a Poinding, or under a Sequestration for Rent, or with his retiring to the Sanctuary for Twenty-four Hours, or with his making Application for the Benefit of *Cessio bonorum*.

Of a Company.

VIII. Notour Bankruptcy of a Company shall be constituted either in any of the foregoing Ways or by any of the

Partners being rendered Notour Bankrupt for a Company Debt.

Commencement of Notour Bankruptcy.

IX. Notour Bankruptcy shall be held to commence from the Time when its several Requisites concur, and when it has once been constituted shall continue, in case of a Sequestration, till the Debtor shall obtain his Discharge, and in other Cases until Insolvency cease, without Prejudice to Notour Bankruptcy being anew constituted within such Period.

Deeds made void by this Act, and Alienations of Property voidable, may be set aside by way of Action, &c.

X. Deeds made void by this Act, and all Alienations of Property by a Party insolvent or Notour Bankrupt, which are voidable by Statute or at Common Law, may be set aside either by way of Action or Exception, and a Decree setting aside the Deed by Exception shall have the like Effect, as to the Party objecting to the Deed, as if such Decree were given in an Action at his Instance.

May be by Trustee.

XI. The Trustee on a Sequestrated Estate under this Act shall be entitled to set aside any such Deed or Alienation for behoof of the whole Body of Creditors, and in so doing shall be entitled to the Benefit of any Presumption which would have been competent to any Creditor.

Pari passu Ranking of Diligence.

Arrestments and Poindings.

XII. Arrestments and Poindings which shall have been used within Sixty Days prior to the Constitution of Notour Bankruptcy, or within Four Months thereafter, shall be ranked *pari passu* as if they had all been used of the same Date; provided, that if such Arrestments are used on the Dependence of an Action, or on an illiquid Debt, they be followed up without undue Delay; provided further, that any Creditor judicially producing in a Process relative to the Subject of such Arrestment or Poinding liquid Grounds of Debt or Decree of Payment within such Period shall be entitled to rank as if he had executed an Arrestment or a Poinding; and in case the first or any subsequent Arrester shall, in the meantime, obtain a Decree of Forthcoming and Preference, and thereupon shall recover Payment, or a Poinding Creditor shall carry through a Sale, he shall be accountable for the Sum recovered to those who, by virtue of this Act, may be eventually found to have a Right to a Ranking *pari passu* thereon, and shall be liable to an Action at their Instance for Payment to them proportionally, after allowing out of the Fund the Expense of recovering the same; and if any Arrestments be used for attaching the same Effects after the Period of Four Months subsequent to the Bankruptcy, such Arrestments shall not compete with those used within the said Periods prior or subsequent thereto, but may rank with each other on any Reversion of the Fund attached, according to Law and Practice.

Sequestration, when Competent.

XIII. Sequestration may be awarded of the Estate of any Person in the following Cases:

Sequestration may be awarded in Cases herein enumerated.

1st. In the Case of a living Debtor subject to the Jurisdiction of the Supreme Courts of *Scotland:*

  A. On his own Petition, with the Concurrence of a Creditor or Creditors, qualified as herein-after mentioned:

  B. On the Petition of a Creditor or Creditors, qualified as herein-after mentioned, provided the Debtor be Notour Bankrupt, and have within a Year before the Date of the Presentation of the Petition resided or had a Dwelling House or Place of Business in *Scotland;* or otherwise, in the Case of a Company being Notour Bankrupt, as herein-before provided, if it have within such Time carried on Business in *Scotland*, and any Partner have so resided or had a Dwelling House or if the Company have had a Place of Business in *Scotland:*

2d. In the Case of a deceased Debtor who at the Date of his Death was subject to the Jurisdiction of the Supreme Courts of *Scotland:*

Sequestration of deceased Debtor.

  A. On the Petition of a Mandatory to whom he had granted a Mandate to apply for Sequestration:

  B. On the Petition of a Creditor or Creditors qualified as herein-after mentioned.

XIV. Petitions for Sequestration may be at the Instance or with the Concurrence of any One Creditor whose Debt amounts to not less than Fifty Pounds, or of any Two Creditors whose Debts together amount to not less than Seventy Pounds, or any Three or more Creditors whose Debts together amount to not less than One hundred Pounds, whether such Debts are liquid or illiquid, provided they are not contingent.

Qualification of Creditors, petitioning or concurring.

XV. Petitions for Sequestration, presented without the Concurrence of the Debtor, he being in Life, shall be competent only within Four Months of the Date of the Debtor's Notour Bankruptcy; and Petitions for Sequestration of the Estates of a deceased Debtor at the Instance of a Creditor may be presented at any Time after the Debtor's Death, but no Sequestration shall be awarded until the Expiration of Six Months

Within what Date Petitions may be presented.

Months from the Debtor's Death, unless he was at the Time of his Death Notour Bankrupt, or unless his Successors shall concur in the Petition or renounce the Succession, in which several Cases Sequestration shall forthwith be awarded; and in all other Cases falling under this Act a Petition for Sequestration shall be competent at any Time, and Sequestration may follow thereon in manner herein-after directed.

Interim Preservation of Estate.

Court may take Measures to preserve Estate before Sequestration.

XVI. It shall be competent for the Court to which a Petition for Sequestration is presented, whether Sequestration can forthwith be awarded or not, on special Application by a Creditor, either in such Petition or by a separate Petition, with or without Citation to other Parties interested, as the said Court may deem necessary, or without such special Application if the Court think proper, to take immediate Measures for the Preservation of the Estate, either by the Appointment of a Judicial Factor, who shall find such Caution as may be deemed necessary, with the Powers necessary for such Preservation, including the Power to recover Debts, or by such other Proceedings as may be requisite; and such interim Appointments or Proceedings shall be carried into immediate Effect; but if the same have been made or ordered by the Sheriff, they may be recalled by the Court of Session, on Appeal taken, in manner herein-after directed.

After Sequestration Bankrupt's Papers may be sealed up.

XVII. The Sheriff shall have Power, upon Cause shown by any Creditor, or without any Application, if he shall think fit, at any Time after the Sequestration and before the Election of a Trustee, to cause to be sealed up and put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Shop, Warehouse, or other Repositories, and to keep the Keys thereof till a Trustee is elected and confirmed.

Forum.

Courts for awarding Sequestration.

XVIII. Sequestration may be awarded either by the Court of Session or by the Sheriff of any County in which the Debtor, for the Year preceding the Date of the Petition, has resided or carried on Business; provided, that no Sequestration shall be awarded by any Court after Production of Evidence that a Sequestration has already been awarded in another Court, and is still undischarged.

Later Sequestrations to be remitted to the first in Date.

XIX. When Sequestration has been awarded against a Debtor by the Sheriffs of Two or more Counties, the later Sequestration or Sequestrations shall, on Production of a Certificate by the Sheriff Clerk of the County in which the Sequestration first in Date was awarded, setting forth the Date of such Sequestration,

tration, be remitted to the Sheriff of such County; and where all the Sequestrations are of the same Date, any One may be brought by Appeal at any Time before either Division of the Court of Session or Lord Ordinary; and on such Appeal, or when a Sequestration has been awarded by the Court of Session alone, or by the Court of Session and also by One or more Sheriff Courts, the Court of Session or Lord Ordinary shall remit the Sequestration to such Sheriff Court as in the whole Circumstances they or he shall deem expedient; and a Notice of such Remit shall be inserted in the Gazette within Four Days after such Remit shall have been made: Provided always, that in any Case in which the Sheriff has refused to sequestrate, it shall be competent to present a Petition for Sequestration to the Court of Session notwithstanding such Judgment of Refusal.

No Proceeding under Order of Sheriff to be effectual after Appeal, except for Preservation of Estate.

XX. It shall be competent in such Case for each Sheriff awarding Sequestration to take such Measures in the meantime as may be necessary for preserving the Debtor's Estate and Effects within his Jurisdiction, under the Provisions of this Act; but no other Orders given by any Sheriff on or after awarding Sequestration, and no Proceedings of Creditors or others in pursuance thereof, excepting Orders given by the Sheriff before whom the Sequestration comes to depend, shall be of any Force or Effect from and after the Date of such Appeal, or of Sequestration by the Court of Session.

Form of Petition, and Productions therewith.

Form of Petition.

XXI. Petitions for Sequestration in the Court of Session shall be made to the Lord Ordinary, and be signed by the Petitioner or his Counsel or Agent, and the Division of the Court to which the Sequestration is appropriated shall be marked thereon, and in the Sheriff Court shall be signed by the Petitioner or his Agent, and in either Court, in Petitions at the Instance of the Debtor, but not signed by him, there shall be produced therewith a Mandate authorizing the same, signed by him, or in the Case of a Company signed by a Party entitled to act for the Company; and in all Cases the Petitioning or Concurring Creditor shall produce with such Petition an Oath to the Effect herein-after specified, and also the Account and Vouchers of the Debt as herein-after provided; failing which Production the Petition shall be dismissed.

Oath to be produced.

Oath to be taken to Verity of Debt and Extent of Securities.

XXII. Such Oath, in the Case of a Creditor residing within the Kingdom of *Great Britain* and *Ireland*, shall be taken by him before a Judge Ordinary, Magistrate, or Justice of the Peace, to the Verity of the Debt claimed by him; and he shall in such Oath state what other Persons, if any, are, besides the

Bankrupt, liable for the Debt or any Part thereof, and specify any Security which he holds over the Estate of the Bankrupt or of other Obligants, and depone that he holds no other Obligants or Securities than those specified; and where he holds no other Person than the Bankrupt so bound, and no Security, he shall depone to that Effect.

How taken, when Creditor out of Great Britain or Ireland.

XXIII. Such Oath, in the Case of a Creditor who is out of the Kingdom of *Great Britain* and *Ireland*, shall be taken by him to the Verity of the Debt in the Manner above provided before a Magistrate or Justice of the Peace, or other Person qualified to administer Oaths in the Country where he resides (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a *British* Minister or *British* Consul, or by a Notary Public,) or his known Agent or Mandatory in *Great Britain* or *Ireland* shall make an Oath of Credulity in the Manner and to the Effect before provided.

Oath to specify further Particulars in certain Cases.

XXIV. When a Petition is presented for Sequestration of the Estates of a deceased Debtor, the Petitioning Creditor shall, in his Oath, or in a separate Oath, specify the Place where the Debtor resided or had a Dwelling House or carried on Business in *Scotland* at the Time of his Death, and whether he was then Owner of Estates in *Scotland*; and when the Petition is presented during the Life of the Debtor, without the Consent of the Debtor, the Petitioning Creditor shall in such Oath, in the event of the Debtor's Bankruptcy being founded on his retiring within the Sanctuary, swear that he believes the Debtor to have so retired, as herein-before set forth.

Claims of Companies and Creditors who are Minors or incapable.

XXV. When the Creditor is a Corporation, an Oath of Verity made as aforesaid by the Secretary, Manager, Cashier, Clerk, or other principal Officer of such Corporation shall be sufficient, although the Person making the same be not a Member of such Corporation, or in case of other Companies an Oath by a Partner shall be sufficient; and where any Creditor shall be under Age or incapable to make Oath, an Oath of Credulity as aforesaid by his authorized Agent, Factor, Guardian, or Manager shall be sufficient.

Citation on Petition.

When Citation of Parties necessary.

XXVI. When a Petition for Sequestration is presented without the Consent of the Debtor, or for the Sequestration of the Estate of a Debtor who is dead, without the Consent of the Successor, the Lord Ordinary or Sheriff to whom it is presented shall grant Warrant to cite the Debtor, or, if dead, his Successor, to appear within a specified Period, if he be within *Scotland*, by delivering to him personally, or by leaving at his Dwelling House or Place of Business, or the Dwelling House or Place of Business last occupied by him, a Copy of the Petition and Warrant, and if the Debtor or his Successor be furth of *Scotland*, to cite him to appear within a specified Period by leaving such Copy at the Office of Edictal Citations, at the Dwelling House or Place of Business last occupied by him, and, if the Debtor be dead, also at the Dwelling House or Place of Business occupied by him at his Death, to show Cause why Sequestration should not be awarded; and the Lord Ordinary or the Sheriff shall, if desired, grant Diligence to recover Evidence of the Notour Bankruptcy or other Facts necessary to be established.

In Sequestration of a Company.

XXVII. When the Debtor is a Company it shall be a sufficient Citation that a Copy of the Petition and Warrant be left at the Place where the Business of the Company is or was last carried on, provided a Partner or a Clerk or a Servant of the Company be there, and failing thereof at the Dwelling House of any of the acting Partners, and if the House of such Partner cannot be found, by leaving a Copy at the Office of Edictal Citations; and Sequestration may be awarded either on the Application of the Company itself, or on the Application of a Creditor or Creditors to the Amount aforesaid, without the Consent of the Company, of the Estates of the Company and Partners jointly, or of their respective Estates separately.

Induciæ of Citation.

XXVIII. The Induciæ of Citation, when made personally or at a Dwelling House or Place of Business, shall be not less than Six nor more than Fourteen Days, and when made edictally shall be Twenty-one Days; and the Lord Ordinary or the Sheriff at the same Time shall direct Intimation of the Warrant, and of the Diet of Appearance on such Induciæ, to be made in the Gazette.

Procedure on Petition.

Sequestration to be forthwith awarded on Petition by Debtor.

XXIX. When a Petition is presented in manner aforesaid to the Lord Ordinary, or to the Sheriff, for Sequestration, the Lord Ordinary or the Sheriff shall forthwith, if the same is presented by or with the Concurrence of the Debtor, or, if dead, of his Successor, or if the Successor shall renounce the Succession, issue a Deliverance by which he shall award Sequestration of the Estates which then belong or shall thereafter belong to the Debtor before the Date of the Discharge, and declare the Estates to belong to the Creditors for the Purposes of this Act, and if the Debtor is dead shall ordain any Successor who has made up a Title to or is in possession of any Part of his Property to convey the same to the Trustee to be appointed as herein-after mentioned.

Sequestration to be

XXX. Where the Petition is not by or with the Concurrence awarded after Citation and hearing Parties when Petition not by Debtor.

rence of the Debtor, or, if dead, of his Successor, and if the Debtor, or, if dead, his Successor, do not appear at the Diet of Appearance, either in Person or by his Counsel or Agent, and show Cause why the Sequestration cannot be competently awarded, or if the Debtor so appearing do not instantly pay the Debt or Debts in respect of which he was made Bankrupt, or produce written Evidence of the same being paid or satisfied, and also pay or satisfy, or produce written Evidence of the Payment or Satisfaction of the Debt or Debts due to the Petitioner or to any other Creditor appearing and concurring in the Petition, the Lord Ordinary or Sheriff, on Production of Evidence of the Citation and of the foresaid Requisites for Sequestration, shall award Sequestration in manner and to the Effect before mentioned; and it shall not be competent for any Creditor, after the Date of the First Deliverance on the Petition for Sequestration, to be confirmed Executor Creditor, or to raise or insist in any Adjudication against the Estate of the deceased Debtor.

Recal of Sequestration within Forty Days.

XXXI. The Deliverance awarding Sequestration shall not be subject to Review; but any Debtor whose Estate has been sequestrated without his Consent, or the Successors of any deceased Debtor whose Estate has been sequestrated without their Consent, unless on the Application of a Mandatory authorized by the deceased Debtor, or any Creditor, whether the Sequestration has been awarded by the Lord Ordinary or by the Sheriff, may, within Forty Days after the Date of such Deliverance, present a Petition to the Lord Ordinary, setting forth the Grounds for Recal, and praying for Recal: and when Sequestration has been awarded of the Estate of a deceased Debtor, when his Successor was edictally cited, it shall be competent for his Successor, or any Person having Interest, to apply by Petition as aforesaid at any Time before the Publication of the Advertisement for Payment of the First Dividend herein-after mentioned; and the Lord Ordinary shall, in these several Cases, order a Copy of the Petition for Recal and of his Deliverance to be served on the Parties who petitioned or concurred in the Petition for Sequestration, or on their respective known Agents, and on the Trustee, if appointed, and shall require them to answer within a specified short Time, and order a Notice of the Presentation of the Petition for Recal to be published in the Gazette, and on the Expiration of the Time so fixed he shall proceed to pronounce Judgment; and if he shall recal the Sequestration, the Recal shall be entered in the Register of Sequestrations, and on the Margin of the Register of Inhibitions.

Recal of Sequestra-

XXXII. No Petition for Recal of the Sequestration, excepting as herein-after provided, shall be competent after the Expiration of the said Forty Days, or after the Advertisement for Payment of the First Dividend; provided that Nine Tenths in Number and Value of the Creditors ranked on the Estate as herein directed may at any Time apply for Recal by Petition to the Lord Ordinary, who shall order Notice of his Deliverance to be published in the Gazette, requiring all concerned to appear within Fourteen Days from the Date of Publication to show Cause why the Sequestration should not be recalled, and on Expiration of the said Time he shall proceed to pronounce Judgment.

tion at a future Time.

Proceedings not to be stayed.

XXXIII. Pending any Petition for Recal, and until the Sequestration be finally recalled, the Proceedings in the Sequestration shall go on as if no such Petition had been presented.

Sisting of one Party for another.

XXXIV. If a Creditor who has petitioned for Sequestration, or concurred in such Petition, or who has petitioned for Recal of a Sequestration, or appeared to oppose a Petition for Sequestration or Recal, or lodged an Objection, shall withdraw, or become Bankrupt, or die, any other Creditor may be sisted in his Place and follow out the Proceedings; and if the Debtor shall die after the Petition for Sequestration is presented, the Proceedings shall notwithstanding be followed out in Terms of this Act, so far as Circumstances will permit.

Majority of Creditors may resolve that Estate be wound up.

XXXV. At the Meeting for the Election of the Trustee, or at any subsequent Meeting to be called for the Purpose, a Majority in Number and Four Fifths in Value of the Creditors present or represented at such Meeting may resolve that the Estate ought to be wound up under a Deed of Arrangement, and that an Application should be presented to the Lord Ordinary or the Sheriff to sist Procedure in the Sequestration for a Period not exceeding Two Months, and on such Resolution being carried it shall not be necessary to elect a Trustee.

Bankrupt to report Resolution to the Lord Ordinary.

XXXVI. It shall be lawful for the Bankrupt, or any Person appointed by the Meeting, to report such Resolution to the Lord Ordinary or the Sheriff, within Four Days of the Date of such Resolution, and to apply for a Sist of the Sequestration in Terms thereof; and the Lord Ordinary or the Sheriff may hear any Party having Interest, and if he shall find that such Resolution was duly carried, and that the Application is reasonable, may grant the same.

Lord Ordinary to make Arrangement for interim Management of Estate.

XXXVII. In the event of such Application being granted, the Lord Ordinary or the Sheriff may, on the Application of any Creditor, make such Arrangement for the interim Management of the Estate as he shall think reasonable, if any shall appear to be necessary.

XXXVIII. If

If Sequestration be sisted, Creditors may produce to the Lord Ordinary a Deed of Arrangement.

XXXVIII. If the Sequestration shall be sisted, the Creditors may, at any Time within the Period of such Sist, produce to the Lord Ordinary or the Sheriff a Deed of Arrangement, subscribed by or by Authority of Four Fifths in Number and Value of the Creditors of the Bankrupt; and the Lord Ordinary or the Sheriff may consider the same, and make such Intimation thereof as he may think proper, and hear Parties having Interest, and make any Inquiry he may think necessary; and if he shall be satisfied that such Deed of Arrangement has been duly entered into and executed and is reasonable, he shall approve thereof, and declare the Sequestration at an end; and such Deed shall thereafter be as binding on all the Creditors as if they had all acceded thereto: Provided always, that the Sequestration shall receive full Effect in so far as may be necessary for the Purpose of preventing, challenging, or setting aside Preferences over the Estate.

If Resolution not reported, the Sequestration to proceed.

XXXIX. If such Resolution shall not be duly reported, or if a Sist be refused, or if such Deed of Arrangement shall not be duly produced, or if it shall not be approved of, the Sequestration shall proceed, and the Period of Time subsequent to such Resolution shall not be reckoned in calculating Periods of Time prescribed in this Act; and the Lord Ordinary or the Sheriff may make all necessary Orders, by appointing Meetings of Creditors and otherwise, for resuming the necessary Procedure in the Sequestration.

If Sequestration declared at an end, Judgment to be recorded.

XL. If the Sequestration be declared at an end, the Judgment declaring the same shall be recorded in the same Manner as if the Sequestration had been recalled as herein-before provided.

Payment of Expenses of petitioning or concurring Creditor.

XLI. The Petitioning or Concurring Creditor shall be entitled to Payment by the Trustee, when he shall be appointed, out of the first of the Funds which shall come into his Hands, of the Expenses incurred by such Creditor in obtaining the Sequestration and doing the other Acts hereby required prior to the Election of the Trustee, as the same shall be taxed.

Commencement of Sequestration.

XLII. In all Questions under this Act or preceding Acts regarding Sequestration of the Estates of Debtors, the Sequestration shall be held to commence and take effect on and from the Date of the first Deliverance on any Petition for Sequestration, which shall be held to be the Date of the Sequestration, although the Sequestration be not actually awarded until a later Date.

Clerks to Sequestration.

XLIII. In Sequestrations awarded in the Court of Session and remitted to the Sheriff the Process of Sequestration shall be held to be in the Bill Chamber of the Court of Session, and the Clerks of the Bill Chamber shall be Clerks to such

Sequestrations; and the Sheriff Clerk of any County shall be Clerk to the Sequestrations awarded by the Sheriff of that County; and no Process of Sequestration, either in the Court of Session or Sheriff Court, shall fall asleep, or shall be liable to be dismissed under the Fifteenth Section of the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Eighty; and on a Remit of a Sequestration awarded in the Court of Session being made to the Sheriff, a Copy of the Petition for Sequestration and of the First Deliverance, and also (where it is different) of the Deliverance awarding Sequestration, certified by One of the Clerks of the Bill Chamber or Sheriff Clerk, shall, with the Productions, be transmitted by the Petitioner to the Sheriff Clerk of the County to the Sheriff of which the Sequestration is remitted; and in all Sequestrations the Sheriff Clerk and Messengers-at-Arms and Officers of the Sheriff Court shall have Power to act in their respective Offices under this Act.

Sequestration not to fall asleep.

Protection or Liberation of Debtor.

Warrant of Protection may be granted to the Debtor.

XLIV. The Lord Ordinary or Sheriff, when awarding Sequestration, may grant to the Debtor or Partners of the Company against whom or which it is awarded a Warrant of Protection against Arrest or Imprisonment for Civil Debt until the Meeting of the Creditors for the Election of Trustee, or he may refuse to grant such Warrant of Protection; and every such Warrant of Protection which shall not be advertised in the *London* and *Edinburgh* Gazettes within One Week after the Date of awarding such Sequestration, shall be ineffectual and incapable of being pleaded in bar of personal Diligence; but, notwithstanding that the Lord Ordinary or Sheriff may have refused to grant Interim Warrant of Protection as aforesaid, it shall be competent to the Creditors on the Occasion of the Meeting to elect a Trustee, or at the Meeting after the Examination of the Bankrupt, or at any subsequent Meeting, to resolve that personal Protection ought to be granted to the Bankrupt for such Time as they may think fit, and the Trustee shall thereupon apply to the Sheriff, who shall grant the Protection.

Warrant to liberate the Debtor.

XLV. The Lord Ordinary or the Sheriff by whom Sequestration was awarded may, on Application made either in the Petition for Sequestration or by a separate Petition by the Debtor, grant Warrant for liberating the Debtor, if in Prison, after such intimation to the incarcerating Creditor or his known Agent as the Lord Ordinary or the Sheriff may deem just, and after hearing any Objection to the granting of such Warrant; and if the Application be refused it shall be competent for the

Debtor to make a new Application for Liberation, with Consent of the Trustee and Commissioners, and, on intimation and hearing Objections as aforesaid, the Lord Ordinary or the Sheriff may grant Warrant to liberate; and in any Case the Lord Ordinary or the Sheriff may annex such Conditions of Caution or otherwise to such Warrant as he may judge proper.

Sheriff's Judgment subject to Appeal.

XLVI. The Judgment of the Sheriff granting or refusing Liberation shall be subject to Review by a Note of Appeal to either Division of the Court of Session, or, during Vacation, to the Lord Ordinary, which Appeal shall be heard summarily, and the Judgment pronounced thereon shall be final.

Effect of Warrant of Protection or Liberation.

XLVII. The Warrant granting Protection or Liberation, or a Copy thereof, certified by One of the Bill Chamber Clerks if it is granted by the Lord Ordinary, or by the Sheriff Clerk if it is granted by the Sheriff, shall protect or liberate the Debtor from Arrest or Imprisonment in *Great Britain* and *Ireland* and Her Majesty's other Dominions, for Civil Debt contracted previous to the Date of Sequestration, and all Courts of Justice and Judges and all Officers and Gaolers shall be bound to give Effect to such Warrant; but such Warrant of Protection or Liberation shall not be of any Effect against the Execution of a Warrant of Apprehension or Imprisonment in meditatione fugæ or ad factum præstandum, or for any criminal Act.

Registration of Sequestrations.

Recording Abbreviate of Sequestration.

XLVIII. The Party applying for Sequestration shall present, before the Expiration of the Second lawful Day after the First Deliverance if given by the Lord Ordinary, or present or transmit by Post before the Expiration of the Second lawful Day after the said Deliverance if given by the Sheriff, an Abbreviate of the Petition and Deliverance, signed by him or his Agent, in the Form of Schedule (A. No. 1.) hereunto annexed, to the Keeper of the Register of Inhibitions at *Edinburgh*, who shall forthwith record the said Abbreviate in the Register of Inhibitions, and write and subscribe a Certificate thereof on the said Abbreviate in the Form also specified in the said Schedule (A. No. 2.), and shall, on the Request of the Party transmitting such Abbreviate, and on Payment by him of the Fees of such Registration, and of the Postage, re-transmit the said Abbreviate by Post to the said Party; and the Abbreviate so recorded shall from the Date of the said Deliverance have the Effect of an Inhibition and of a Citation in an Adjudication of the Estate of the Debtor at the Instance of the Creditors afterwards ranked on the Estate; and it shall not be competent to stop such Effect, or the Effect of the Sequestration after it is awarded, by paying the Debt or

Debts in respect of which it was applied for or awarded; and if the said Abbreviate be not so recorded it shall have no Effect as an Inhibition of Citation as aforesaid, and the Party applying for Sequestration shall, within Four Days from the Date of the Deliverance awarding the Sequestration (if awarded in the Court of Session), or, if it is awarded by the Sheriff, within Four Days after a Copy of the said Deliverance could be received in course of Post in *Edinburgh*, insert a Notice in the Form of Schedule (B.) hereunto annexed in the Gazette, and also One Notice in the same Terms within Six Days from the said Date in the *London Gazette*.

Ranking of Claims.

1st. *General Rules as to Voting and Ranking for Payment of Dividends.*

Creditor claiming must produce Oath.

XLIX. To entitle a Creditor to Vote or draw a Dividend he shall be bound to produce at the Meeting, or in the Hands of the Trustee, an Oath to the Effect and taken in manner herein-before appointed in the Case of Creditors petitioning for Sequestration, and the Account and Vouchers necessary to prove the Debt referred to in such Oaths.

Oath in Cases where Accounts and Vouchers are not in Creditor's Possession.

L. If the Creditor be not in possession of such Accounts and Vouchers previously to the Period herein-after assigned for lodging Claims with a view to a Share in any Dividend, he shall state, in his Oath, the Cause of the said Accounts and Vouchers not being produced, and in whose Hands, to the best of his Knowledge, the same are; which Oath shall entitle him to have a Dividend set apart till a reasonable Time be afforded for Production thereof, or for otherwise establishing his Debt according to Law; but he shall not be entitled to act or vote till such Production be made, or the Debt established as aforesaid; and the Trustee shall, on Production of the Oaths and Grounds of Debt, mark the same with his Initials, and make an Entry thereof in the Sederunt Book, and of the Date when the same were produced, and, if required, he shall return to the Creditor the Grounds of Debt.

Provision for Correction of Oath.

LI. When it shall appear to the Sheriff or to the Trustee that the Oath or Claim of any Person produced with a view to voting or ranking, and drawing a Dividend on the Sequestration, is not framed in the Manner required by this Act, the Sheriff or Trustee, as the Case may be, shall call upon such Person, or his Agent or Mandatory, to rectify his Oath and Claim, pointing out to him wherein it is defective; and unless such Person or his Agent or Mandatory shall thereupon make such Alteration upon his Oath and Claim as may be necessary in order to rectify the same, the Sheriff or Trustee, as the Case may be, shall disallow or reject such Oath and Claim: Provided always, that when the Failure to comply with the Provisions of this Act shall appear to have been made for some improper or fraudulent Purposes, or where Injury can be qualified by the other Creditors or any of them in respect thereof, it shall not be incumbent upon the Sheriff or Trustee to give such Person an Opportunity to rectify his Oath and Claim as aforesaid.

Creditors may vote and rank for Principal and Interest to Date of Sequestration only.

LII. A Creditor who has a Claim or a Debt due shall be entitled to vote and rank for the accumulated Sum of Principal and Interest to the Date of the Sequestration, but not for any Interest accruing after the Date of the Sequestration, and if the Debt is not payable till after the Date of the Sequestration, he shall be entitled to vote and rank for it only after Deduction of the Interest from that Date, and he shall also be liable to Deduction of any Discount beyond legal Interest to which his Claim is liable by the Usage of Trade applicable to it, but he shall not be bound to specify separately in his Oath or Claim for his Debt the Amount of any Interest due thereon or of any Interest or Discount deducted therefrom, or to specify therein any accumulated Sum of Principal and Interest, and if there be any Residue of the Estate after discharging the Debts ranked he shall be entitled to claim out of such Residue the full Amount of the Interest on his Debt in Terms of Law.

Valuation of Claim depending on a Contingency.

LIII. When the Claim of a Creditor depends upon a Contingency which is unascertained at the Date of lodging his Claim, he shall not be entitled to vote nor to draw a Dividend in respect of such contingent Debt, but he may apply to the Sheriff, if the Trustee has not been elected, or, if elected, to the Trustee, to put a Value on such Debt, and the Sheriff or Trustee (as the Case may be) shall put a Value thereon as at the Date of such Valuation; and on such Value being fixed such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided that if such Contingency have taken place before the Debt has been valued, such Creditor may vote and draw Dividends in respect of the Amount of the Debt, but the same shall not disturb any former Dividends allotted to other Creditors; and when such Application is made to the Sheriff or Trustee, Notice thereof shall be given to the Bankrupt and Petitioning or Concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Valuation of Claim on Annuity.

LIV. No Creditor in respect of an Annuity granted by the Bankrupt shall be entitled to vote and draw a Dividend until such Annuity shall be valued, but he may, if the Trustee has not been elected, apply to the Sheriff, or, if elected, to the Trustee, to put a Value on such Annuity; and the Sheriff or Trustee, as the Case may be, shall put a Value on the Annuity, regard being had to the original Price given for the Annuity, deducting therefrom such Diminution in the Value of the Annuity as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Sequestration; and such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided always, that when such Application is made to the Sheriff, Notice thereof shall be given to the Bankrupt and the Petitioning or Concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Creditor not to sue Cautioner after the Date of Sequestration.

LV. When any Person is bound as Cautioner for Payment of such Annuity, it shall not be lawful for the Creditor therein to sue or charge such Cautioner after the Date of the Sequestration, except for the Value fixed as aforesaid, and the Arrears of Annuity and Interest thereon; and on such Cautioner making Payment of such Value and Arrears to the Creditor, and the lawful Interest thereon, he shall be discharged of all Liability for such Annuity, and he may thereupon enter a Claim in the Sequestration for the Sum so paid, and vote and draw Dividends thereon; provided that if such Cautioner shall not pay the Sum so fixed, and Arrears and Interest as aforesaid, before any Payment of the Annuity subsequent to the fixing thereof becomes due, he shall be bound to make Payment of the said Annuity, and all subsequent Annuities, until he shall make Payment of the Sum so fixed, Arrears of Annuity and Interest as aforesaid, deducting always such Dividends as the Creditor shall have received before full Payment as aforesaid.

Obligant not freed from Liability for Debt, in respect of any Vote given or Dividend

LVI. When a Creditor has an Obligant bound to him along with the Bankrupt for the whole or Part of the Debt, such Obligant shall not be freed from his Liability for such Debt in respect of any Vote given or Dividend drawn by the Creditor, or of his assenting to the Discharge of the Bankrupt, or to any Composition; but such Obligant may require and obtain, at his own Expense, from such Creditor, drawn by the Creditor.

an Assignation to the Debt, on Payment of the Amount thereof, and in virtue thereof enter a Claim on the said Estate, and vote and draw Dividends, if otherwise legally entitled to do so.

Liability of Creditors for Expenses.

LVII. No Person shall, by merely lodging an Oath and Claim, or being ranked or receiving Payment of a Dividend, or appearing or voting at a Meeting in a Sequestration as a Creditor, be liable for any Claim by the Agent or other Person employed by the Trustee for Money advanced, or Expense incurred, or Remuneration in relation to the Affairs of the Estate, reserving to the Agent or other Person so employed Right to Payment out of the Estate and from the Trustee by whom he may have been employed, in so far as the same may be competent to him; and no Trustee shall have Relief in respect of such Payment against such Creditor, reserving to such Trustee Relief against the Estate, and against those Creditors or others who may on other Grounds be liable in Relief.

Oaths not to supersede other Evidence.

LVIII. In no Case shall Oaths of Verity or Credulity supersede Production of legal Evidence, when required, in any Discussion before the Court of Session, the Lord Ordinary, the Sheriff, or the Trustee.

2*d*. *Special Rules as to Voting.*

Valuation of Securities for voting.

LIX. If a Creditor hold a Security for his Debt over any Part of the Estate of the Bankrupt, he shall, before voting, make an Oath, in which he shall put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate over which the Security extends be sold, he shall specify in his Oath the free Proceeds which he has received or shall be entitled to receive therefrom, and specify the Balance due after Deduction thereof, and he shall be entitled in any Case to vote in respect of the Balance, and no more, without Prejudice to the Amount of his Debt in other respects; and in Questions as to the Disposal or Management of the Estate subject to his Security he shall be entitled to vote as a Creditor for the full Amount of his Debt, without making any such Deduction.

Valuation of Obligations of Co-Obligants with Bankrupt.

LX. When a Creditor has an Obligant bound with but liable in Relief to the Bankrupt, or holds any Security from an Obligant liable in Relief to the Bankrupt, or any Security from which the Bankrupt has a Right of Relief, such Creditor shall, before voting, make an Oath, in which he shall put a specified Value on the Obligation of such Obligant, and on such Security,

rity, to the Extent to which the Bankrupt is entitled to Relief, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Claims against a Company and Partners.

LXI. A Creditor on the Estate of a Company shall not be bound, for the Purpose of voting on the Company's Estate, to deduct from his Claim the Value which he may be entitled to draw from the Estates of the Partners; but if he claim on the Estate of a Partner, he shall, before voting, in his Oath put a specified Value on his Claim against the Estate of the Company, and also against the other Partners thereof, in so far as they are liable to relieve such Partner, and deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote as a Creditor for the said Balance, and no more, without prejudice to the Amount of his Debt in other respects.

Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation.

LXII. It shall be competent to the Trustee, with Consent of the Commissioners, within Two Months after an Oath, specifying the Value of a Security, or Obligation, or Claim in the several Cases before mentioned, has been made use of in voting at any Meeting or in assenting to or dissenting from the Bankrupt's Composition or Discharge, and it shall also be competent to the Majority of the Creditors (excluding the Creditor making such Oath) assembled at any Meeting, and during such Meeting, to require from the Creditor making such Oath a Conveyance or Assignation in favour of the Trustee of such Security, Obligation, or Claim, on Payment of the specified Value, with Twenty *per Centum* in addition to such Value; and the Creditor shall be bound to grant such Conveyance or Assignation, at the Expense of the Estate: Provided that where a Creditor has put a Value on such Security or Obligation, he may at any Time before he has been required to convey and assign as aforesaid, correct such Valuation by a new Oath, and deduct such new Value from his Debt.

Creditor may correct Valuation by new Oath.

Mandatories for Creditors may vote.

LXIII. The Mandatory of any Person entitled to vote as a Creditor may vote in the Absence of such Creditor, provided he exhibit a Mandate; and the Vote of such Mandatory shall, within his Mandate, be held as the Vote of the Creditor himself.

Persons acquiring Debts after Sequestration not to vote.

LXIV. Any Person who shall acquire after the Date of the Sequestration, otherwise than by Succession or Marriage, a Debt due by the Bankrupt, and the Wife of the Bankrupt and any Trustee for her shall not be entitled to vote in the Election of Trustee or Commissioners, but in all other respects such Person may be ranked as a Creditor.

3d. Special

3d. Special Rules as to Ranking for Payment of Dividends.

Valuation of Securities with a view to a Dividend.

LXV. To entitle any Creditor who holds a Security over any Part of the Estate of the Bankrupt to be ranked in order to draw a Dividend, he shall on Oath put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance; and the Trustee, with Consent of the Commissioners, shall be entitled to a Conveyance or Assignation of such Security, at the Expense of the Estate, on Payment of the Value so specified out of the first of the Common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall be ranked for and receive a Dividend on the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Value of Claim against a Company to be deducted from Claim against Partners.

LXVI. When a Creditor claims on the Estate of the Partner of a Company in respect of a Debt due by such Company, the Trustee on the Estate of such Partner shall, before ranking such Creditor, put a Valuation on the Estate of the Company, and deduct from the Claim of such Creditor such estimated Value, and rank and pay to him a Dividend only on the Balance.

Election and Removal or Resignation of Trustee.

Appointment of Meeting to elect a Trustee.

LXVII. The Lord Ordinary or the Sheriff, by the Deliverance which awards the Sequestration, shall appoint a Meeting of the Creditors, to be held at a specified Hour, on a specified Day, being not earlier than Six nor later than Twelve Days from the Date of the Gazette Notice of Sequestration having been awarded, at a convenient Place within the County of the Sheriff awarding Sequestration, or to whom the Sequestration is remitted, to elect a Trustee or Trustees in Succession, and do the other Acts herein-after provided.

Procedure at Meeting for Election of Trustee.

LXVIII. Creditors or their Mandatories, qualified as aforesaid, shall assemble at the Time and Place fixed for the Election of Trustee, with Power to adjourn for such reasonable Time as may seem fit, provided such Adjournment do not postpone the Meeting for the Election of Trustee beyond the Limit of the Period within which that Meeting is by this Act appointed to be held; and if Two or more Creditors shall give Notice to the Sheriff of the County, such Sheriff shall attend the Meeting and adjourned Meetings, and preside; and the Sheriff Clerk or his Depute shall also attend, and mark the Oaths and Productions with his Initials, and write the Minutes in the Presence of the Meeting, and enter therein the Names and Designations of the Creditors present, or of the Mandatories of Creditors, and the Amount for which they claim, and any other Circumstances which the presiding Sheriff shall judge fit, which Minutes the presiding Sheriff shall sign; and the Clerk shall retain the Oaths of the several Claimants, subject to the Exhibition thereof in his Hands, till the Election shall be determined, when he shall deliver the same to the Trustee; and when the Sheriff is not present the Creditors shall elect a Preses and (if the Sheriff Clerk or a Depute be not present) a Clerk; and the Preses shall mark the Oaths and Productions with his Initials, and sign the Minutes; and the Clerk shall, in the Presence of the Meeting, write the Minutes, and enter therein the Names and Designations of the Creditors or Mandatories, and the Amount for which they claim, and any other Circumstances relating to the said Meeting which the Preses shall judge fit, which Minutes the Preses shall sign; and the Creditors or their Mandatories who have produced their Oaths and Documents of Debt, and who have been entered in the Minutes, shall then and there elect a fit Person to be Trustee, or Two or more Trustees, to act in succession, in case of Nonacceptance, Death, Resignation, Removal, or Disqualification, and in the Case of the Sequestration of the Estates of a Company and of the Partners, One Trustee for all the Estates, or separate Trustees on the Estates of the Company and on the Estates of all or each of the individual Partners or Trustees in succession as aforesaid; and it shall not be lawful to elect as Trustee the Bankrupt, or any Person conjunct or confident with the Bankrupt, or who holds an Interest opposed to the general Interest of the Creditors, or whose Residence is not within the Jurisdiction of the Court of Session.

Judgment of Sheriff as to Trustee.

LXIX. If the Sheriff be present at the Election of Trustee, and there be no Competition for the Office, or Objection stated to the Candidate or Candidates, he shall, by a Deliverance on the Minutes, declare the Person chosen by the Creditors to be Trustee, and if there be Competition, or Objections to the Candidate or Candidates, such Objections to the Votes or Candidates shall be stated at the Meeting, and the Sheriff may either forthwith decide thereon, or make Avizandum, and he shall, if necessary, make a short Note of the Objections and of the Answers, on which he shall, within Four Days after the Meeting, hear Parties *vivâ voce*, and declare the Person or Persons Trustee or Trustees in succession whom he shall find to have been duly elected, and state the Grounds of his Decision in a Note, and the same, as well as such short Note, shall form Part of the Process.

When Sheriff not present.

LXX. When the Preses has been elected by the Creditors, such Preses (whether there be any Competition or Objection or not) shall forthwith report the Proceedings to the Sheriff;

and the Oaths of the several Claimants shall, if the Sheriff Clerk or his Depute be present, remain in his Possession, or, if he be not present, shall be transmitted to the Sheriff Clerk by the Preses, to be retained by him till the Trustee shall be finally appointed, when he shall deliver the same to the Trustee; and if there be no Competition or Objection the Sheriff shall declare the Person or Persons elected Trustee or Trustees in succession; and if there be Competition or Objection the Parties shall, within Four Days from the Date of the said Meeting, lodge in the Hands of the Sheriff Clerk short Notes of Objections, and the Sheriff shall forthwith hear Parties thereon *vivâ voce*, and give his Decision, and state the Grounds thereof in a Note, which Note, as well as such short Notes, shall form Part of the Process.

Judgment of Sheriff as to Trustee final.

LXXI. The Judgment of the Sheriff declaring the Person or Persons elected to be Trustee or Trustees in succession, shall be given with the least possible Delay; and such Judgment shall be final, and in no Case subject to Review in any Court or in any Manner whatever.

Caution to be found by Trustee.

LXXII. The Creditors shall at the Meeting for Election of a Trustee fix a Sum for which the Trustee shall find Security for his Intromissions and Performance of the Duties and Rules hereby enacted, and shall also decide on the Sufficiency of the Caution offered; and the Person declared to be Trustee shall forthwith lodge with the Sheriff Clerk a Bond of Caution, signed by the Trustee and his Cautioner, in the Form of the Schedule (C.) hereunto annexed, which Bond shall be furnished to him by the Sheriff Clerk: Provided, that nothing herein-before contained shall be held or construed to prevent the Creditors accepting the Bond of a Guarantee Society in lieu of the Bond of Caution aforesaid.

Act and Warrant in favour of Trustee.

LXXIII. On the Decision of the Sheriff being given, declaring the Person elected Trustee, and on a Bond by the Trustee and his Cautioner being duly lodged as aforesaid, the Sheriff shall confirm his Election as Trustee, which Confirmation shall be final, and not subject to Review in any Court or in any Manner whatever; and the Sheriff Clerk shall issue an Act and Warrant in the Form of Schedule (D.) hereunto annexed to the Trustee, and the Trustee shall immediately transmit a Copy of such Act and Warrant to the Accountant, who shall make an Entry of the Name and Designation of the Trustee in the Register of Sequestrations, and such Act and Warrant shall be an effectual Title to the Trustee to perform the Duties hereby imposed on him, and shall be Evidence of his Right and Title to the sequestrated Estate, for the Purposes of this Act; and a Copy of such Act and

Warrant in favour of the Trustee, purporting to be certified by the Sheriff Clerk, and to be authenticated by One of the Judges of the Court of Session, shall be received in all Courts and Places within *England*, *Ireland*, and Her Majesty's other Dominions as *primâ facie* Evidence of the Title of the Trustee, without Proof of the Authenticity of the Signatures or of the official Character of the Persons signing, and shall entitle the Trustee to recover any Property belonging or Debt due to the Bankrupt, and to maintain Actions, in the same Way as the Bankrupt might have done if his Estate had not been sequestrated.

To be a complete Title to him.

Removal or Resignation of Trustee.

LXXIV. A Majority in Number and Value of the Creditors present at any Meeting duly called for the Purpose, may remove the Trustee, or accept of his Resignation; and One Fourth of the Creditors in Value may at any Time apply by Petition to the Lord Ordinary for Removal of the Trustee, and the Lord Ordinary shall order such Petition to be served on the Trustee, and intimated in the Gazette; and if the Lord Ordinary shall be satisfied that sufficient Reason has been shown, he shall remove the Trustee, and appoint a Meeting of the Creditors to be held for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and if the Trustee shall die, resign, or be removed, or remain at any One Time for Three Months furth of *Scotland*, any Commissioner, or any Creditor ranked or claiming and entitled to be ranked on the Estate, may apply to the Sheriff for an Order to hold a Meeting for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and the Sheriff shall grant Warrant to hold such Meeting at a certain Time and Place, which shall be advertised in the Gazette by the Commissioner or Creditor so applying, and at the Time and Place so appointed the Creditors at such Meeting may devolve the Estate on the Trustee next in succession, or elect a new Trustee; and when the Estate is devolved on such Trustee the Creditors shall fix the Amount for which he shall find Security, and on a Bond being lodged the Sheriff shall confirm him, and an Act and Warrant shall be issued and recorded in the same Way and to the same Effect as in the first Election of a Trustee; and in all Cases of a new Election of a Trustee the Procedure shall take place in the like Manner as is herein-before provided in the Case of the First Election; and the succeeding or new Trustee shall be vested with the Powers and perform the Duties and be subject to the same Rules as are herein-before provided, and shall call to account the former Trustee, or his Heirs or Representatives.

Election of a new Trustee.

Election

Election and Removal of Commissioners.

Election of Commissioners.

LXXV. At the Meeting for Election of a Trustee the Creditors present or their Mandatories shall, after the Election of the Trustee, elect Three Commissioners (if there be so many Creditors who have claimed), who shall be either Creditors or Mandatories of Creditors, and the like Proceedings shall take place in regard to their Election as is provided in regard to the Election of Trustee (except that they shall not be bound to find Security); and the Sheriff shall decide who are the Persons duly elected, and declare their Election by a Deliverance in the Sederunt Book, which Decision shall be final, and shall entitle them to act without further Confirmation, and a Majority of them shall be a Quorum: Provided that no Person shall be eligible as a Commissioner who is disqualified to be a Trustee; and any Mandatory who has been elected a Commissioner shall lose that Office, upon written Intimation being sent by his Constituent to the Trustee that he has recalled the Mandate, and the Trustee shall immediately record the Intimation in the Sederunt Book; and the Trustee shall, in all Cases where a Commissioner has declined to act, or resigned, or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Commissioner, and such Commissioner shall be elected in manner hereinbefore provided.

Removal of Commissioners.

LXXVI. A Majority of the Creditors assembled at any Meeting duly called for that Purpose may remove a Commissioner, and may elect another in his Place, in manner before directed.

Protection and Allowance to Bankrupt.

Protection to Bankrupt.

LXXVII. At the Meeting for the Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, the Majority in Number and Value of the Creditors present may resolve that the personal Protection of the Bankrupt ought to be renewed for such Time as they may think fit, and in such Case the Trustee shall apply to the Sheriff, who shall renew the Protection, and the Deliverance by him renewing the same, or an Extract thereof signed by the Sheriff Clerk, shall have the same Effect as the original Warrant of Protection.

Allowance to Bankrupt.

LXXVIII. At the Meeting for Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, Four Fifths in Value of the Creditors present may authorize Payment from Time to Time to the Bankrupt, or to the Partners of a Company, (if the Sequestration be of a Company Estate,) of such Sum out of the Estate as they shall think proper for Sustenance, until the Period assigned for Payment of the Second Dividend, but such Allowance shall not exceed Three Pounds Three Shillings *per* Week to the Bankrupt, or to each individual Partner of a Company, from the Date of Sequestration to the Period aforesaid, and no Allowance shall be given if the Bankrupt shall not have complied with the Provisions of this Act: Provided always, that if it shall at any Time be the Opinion of a Majority of the Creditors present at a regular Meeting that it is for the Interest of the Estate that a special Allowance should be further made to the Bankrupt, and if the Accountant in Bankruptcy shall report in its Favour, it shall be competent for the Lord Ordinary or the Court, on Application by the Trustee, with the said Concurrence of Creditors, and Report by the Accountant, to award such Allowance, which shall then be payable out of the Estate.

Duties of Trustee and Commissioners.

Record of Abbreviate of his Confirmation.

LXXIX. The Trustee, within Twenty-one Days after his Election is confirmed, shall present an Abbreviate, signed by him or his Agent, in the Form of Schedule (E. No. 1.), hereunto annexed, to the Keeper of the Register of Abbreviates of Adjudications, who shall forthwith record the same, and write and subscribe a Certificate on the said Abbreviate in the Form specified in the said Schedule (E. No. 2.); and the like Proceeding shall take place within Twenty-one Days after the Election of each new Trustee shall be confirmed.

Trustee to take possession of Estate and Books, and make up Inventory.

LXXX. The Trustee shall, as soon as may be after his Appointment, take possession of the Bankrupt's Estate and Effects, and of his Title Deeds, Books, Bills, Vouchers, and other Papers and Documents, and also make up an Inventory of such Estate and Effects, and a Valuation showing the estimated Value and the annual Revenue thereof, and shall forthwith transmit Copies of such Inventory and Valuation to the Accountant.

Bankrupt to make up State of his Affairs;

LXXXI. The Bankrupt shall make up, and at the Meeting appointed for the Election of a Trustee deliver to the Clerk of such Meeting, a State of his Affairs, specifying his whole Property, wherever situated, the Property in expectancy or to which he may have an eventual Right, the Names and Designations of his Creditors and Debtors, and the Debts due by and to him, and a Rental of his Heritable Property, which State and Rental shall be subscribed by the Bankrupt, and shall then be delivered to the Trustee, and the same shall be engrossed

and to give Information and grant Deeds.

engrossed in a Sederunt Book to be kept by the Trustee; and the Bankrupt shall at all Times give every Information and Assistance necessary to enable the Trustee to execute his Duty; and if the Bankrupt fail to do so, or to grant any Deed which may be requisite for the Recovery or Disposal of his Estate, the Trustee may apply to the Sheriff to compel him to give such Information and Assistance, and to grant such Deeds, under the Penalty of Imprisonment and of Forfeiture of the Benefit of this Act, and unless Cause be shown to the contrary the Sheriff shall issue a Warrant of Imprisonment accordingly.

Trustee to recover Funds.

LXXXII. The Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same into Money, according to the Directions given by the Creditors at any Meeting, and if no such Directions are given, he shall do so with the Advice of the Commissioners; and he shall lodge all Money which he shall receive in such Bank as the Majority of the Creditors in Number and Value at any General Meeting shall appoint, and failing such Appointment, in any Joint Stock Bank of Issue in *Scotland* (provided that the Bank be not One in which the Trustee shall be an acting Partner, Manager, or Cashier); and the Money shall be lodged in the Name of the Trustee, in his official Character under this Act, at the highest Rate of Interest which can be procured for the same; and such Bank shall, once yearly at least, balance such Account, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if such Bank fail to do so such Bank shall be liable to account as if such Interest had been so accumulated.

Penalty on Trustee retaining Funds.

LXXXIII. If the Trustee shall keep in his Hands any Sum exceeding Fifty Pounds belonging to the Estate for more than Ten Days, he shall pay Interest to the Creditors at the Rate of Twenty Pounds *per Centum per Annum* on the Excess of such Sum above Fifty Pounds for such Time as the same shall be in his Hands beyond Ten Days; and unless the Money has been so kept from innocent Causes, the Trustee shall be dismissed from his Office, upon Petition to the Lord Ordinary or Sheriff by any Creditor, and have no Claim to Remuneration, and shall be liable in Expenses.

Trustee to keep a Sederunt Book, and send Copy of Accounts to Accountant.

LXXXIV. The Trustee shall keep a Sederunt Book, in which he shall record all Minutes of Creditors and of Commissioners, States of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate, and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Accountant in Bankruptcy, before each of the Periods herein assigned for

Payment of a Dividend, a Copy, certified by himself, of such Accounts, in so far as not previously transmitted, and such Copies shall be preserved in the Office of the Accountant; and the Sederunt Book and Accounts shall be patent to the Commissioners and to the Creditors or their Agents, at all Times: Provided always, that when any Document is of a confidential Nature (such as the Opinion of Counsel on any Matter affecting the Interest of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Sederunt Book, or to exhibit it to any other Person than the Commissioners.

Duties of Commissioners.

LXXXV. The Commissioners shall superintend the Proceedings of the Trustee, concur with him in Submissions and Transactions, give their Advice and Assistance relative to the Management of the Estate, decide as to paying or postponing Payment of a Dividend, and may assemble at any Time to ascertain the Situation of the Bankrupt Estate, and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Judicial Factor, Trustee, and Commissioners amenable to Lord Ordinary and Sheriff.

LXXXVI. The Judicial Factor, the Trustee, and Commissioners shall be amenable to the Lord Ordinary and to the Sheriff, although resident beyond the Territory of the Sheriff, at the Instance of any Party interested, to account for their Intromissions and Management, by Petition served on them; and in case it shall appear that such Application ought not to have been made, the Party complained of shall be entitled to his full Expenses, to be either retained out of the Funds, or recovered from the Party complaining, as the Lord Ordinary or the Sheriff shall direct.

Examination of Bankrupt.

Sheriff to name a Day for Bankrupt's Examination.

LXXXVII. The Trustee shall, within Eight Days after the Date of the Act and Warrant confirming him, apply to the Sheriff to name a Day for the public Examination of the Bankrupt, and the Sheriff shall issue his Warrant for the Bankrupt to attend for such Examination within the Sheriff Court House on a specified Day and at a specified Hour, being not sooner than Seven Days nor later than Fourteen Days from the Date of the Sheriff's Warrant; and on the Sheriff granting such Warrant the Trustee shall publish an Advertisement, in Terms of Schedule (F.) hereunto annexed, in the Gazette, and send by Post or otherwise special Notice to every Creditor who has lodged a Claim, or who may be named in the Bankrupt's State of Affairs, intimating his Name and Designation, his Election as Trustee, the Day, Hour, and Place fixed for the Examination of the Bankrupt, and also a specified Day, being not sooner than Seven Days nor later than Fourteen Days after the Day appointed for the Examination of the Bankrupt, and in the Sequestration of the Estates of a deceased Debtor a Meeting of Creditors shall be called by the Trustee by public Advertisement and Notice to each Creditor, to be held not later than Fourteen Days after the Date of such Advertisement, and also the Hour and Place for holding a Second Meeting of the Creditors, and shall also in the same Notice intimate the Period within which Claims should be lodged.

Sheriff may grant Warrant to bring Bankrupt for Examination.

LXXXVIII. It shall be competent for the Sheriff to grant a Warrant to apprehend the Bankrupt, and bring him before the Sheriff for Examination; and if the Bankrupt be imprisoned for a Debt or other Civil Obligation within *Scotland*, the Sheriff may grant Warrant to Magistrates and Gaolers, on receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Officer presenting the same, and they shall do so accordingly; and the Sheriff may also grant Warrant to bring the Bankrupt from the Sanctuary, which Warrant shall protect him against Arrest for Debt or other Civil Obligation while under Examination, and on the Way to and from the Place of Examination, and shall be sufficient Authority, either within or beyond the Territory of the Sheriff in *Scotland*, to Messengers-at-Arms, and to the Officers of the Sheriff, to apprehend, transmit, detain, and imprison, and to Gaolers to deliver up, receive, and detain, the Bankrupt, until his Examination is concluded, and also for his Re-transmission after Examination to the Gaol from which he was delivered up, and Re-imprisonment therein; and if the Bankrupt cannot be brought from Gaol or the Sanctuary, or cannot be examined by the Sheriff there, or is by a lawful Cause prevented from attending at the Time and Place appointed, or is in Custody on a criminal Charge, or is abroad, the Sheriff may grant Commission to take the Examination; and the Sheriff or Commissioner may, if he see Cause, adjourn the Examination of the Bankrupt to an early Day, to be then fixed; and the Sheriff may, on the Application of the Trustee, order the Bankrupt to be examined as often as he shall see fit.

Apprehension and Transmission of the Bankrupt when out of Scotland.

LXXXIX. If the Bankrupt be in any Part of *Great Britain* and *Ireland* other than *Scotland*, the Lord Ordinary may, on Petition by the Trustee, grant Warrant to all Judges, Magistrates, Justices of the Peace, and Officers of the Law, to apprehend and transmit him to the Place of his Examination, and to enforce the same, which they are hereby required to do; and if the Bankrupt be in Prison or Custody, the Lord

Ordinary may grant Warrant as aforesaid to Magistrates and Gaolers, upon receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Messenger or Officer presenting such Warrant, which they shall do accordingly; and such Warrant shall be sufficient Authority for the Apprehension, Transmission, Detention, and Imprisonment of the Bankrupt (when necessary for his safe Custody), and for his Re-transmission after Examination to and Re-imprisonment in the Prison or Custody from which he was delivered up.

Examination of Bankrupt's Wife and others.

XC. The Sheriff may, at any Time, on the Application of the Trustee, order an Examination of the Bankrupt's Wife and Family, Clerks, Servants, Factors, Law Agents, and others, who can give Information relative to his Estate, on Oath, and issue his Warrant requiring such Persons to appear; and if they refuse or neglect to appear, when duly summoned, the Sheriff may issue another Warrant to apprehend the Person so failing to appear: Provided that when such Person is not the Bankrupt, nor his Wife, nor One of his Family, nor his Clerk or Servant, no Warrant for Apprehension shall be issued until the Expiration of Eight Days from the Service of the First Warrant, unless the Trustee shall, on Oath, specify a reasonable Cause of Belief that such Person intends to leave the Country to avoid the Examination, in which Case the Sheriff may forthwith issue such Warrant; which several Warrants shall be sufficient to authorize Messengers-at-Arms, or the Officers of the Sheriff, to execute the same, either within or without the Territory of the Sheriff in *Scotland* as aforesaid; and if any Person liable to be examined cannot attend, the Sheriff may grant Commission to take his Examination; and such Examination, whether by the Sheriff or by a Commissioner, may be adjourned, if it shall seem fit, to an early Day, to be then fixed: Provided that Persons, other than the Bankrupt, summoned to attend for Examination shall be entitled to such Allowances as Witnesses are in others Cases entitled to, and the Amount of which, if disputed, shall be fixed by the Sheriff.

Bankrupt and others must answer lawful Questions, and produce Documents.

XCI. The Bankrupt and such other Persons shall answer all lawful Questions relating to the Affairs of the Bankrupt; and the Sheriff may order such Persons to produce for Inspection any Books of Account, Papers, Deeds, Writings, or other Documents in their Custody relative to the Bankrupt's Affairs, and cause the same, or Copies thereof, to be delivered to the Trustee.

Mode of Examination.

XCII. The Examination of the Bankrupt, and of such other Persons, shall be taken upon Oath, and shall, except in the Cases already specified, wherein a Commission is allowed to be granted, take place before the Sheriff, and the Bankrupt's Examination shall be taken and may be written or dictated by the Sheriff, and authenticated in the ordinary Way as a regular Deposition; but Notes of the Evidence of such other Persons shall be written by the Sheriff in the Mode prescribed by the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Eighty, with regard to Proofs in Civil Cases in the Sheriff Courts, except where it shall appear to him necessary to record and authenticate such Evidence, in whole or in part, in the Form of a regular Deposition, and if the Trustee shall make an Application to that Effect the Bankrupt and such other Persons shall be examined in open Court.

Penalty on Refusal to answer, &c.

XCIII. If the Bankrupt or any of such other Persons shall refuse to be sworn, or to answer, to the Satisfaction of the Sheriff, any lawful Question put to him by the Sheriff or Trustee, or by any Creditor with the Sanction of the Sheriff, or without lawful Cause shall refuse to sign his Examination, or to produce Books, Deeds, or other Documents in his Custody or Power relating to the Estate, the Sheriff may grant Warrant to commit him to Prison, there to remain until he comply with the Order, which Warrant shall specify the Question and Answer, Book, Deed, Document, or the Refusal to swear or to sign the Examination; and such Warrant shall not be subject to the Review of the Court of Session, but the Bankrupt or Person imprisoned may apply by written Petition (without Argument) to the Lord Ordinary for a Recal of the Warrant, and the Lord Ordinary shall order the Petition to be served on the Trustee or the Creditor and shall thereafter hear Parties *vivâ voce*, and pronounce Judgment.

Penalty on latent Partner of Bankrupt Company not coming forward.

XCIV. If any latent Partner of a Company whose Estates have been sequestrated shall not, by Intimation to the Trustee, acknowledge that he is a Partner, on or before the Day appointed for the Examination of the known Partners, he shall not be entitled to the Benefits or Privileges of this Act, unless in an Application for the same he shall satisfy the Lord Ordinary or the Sheriff that the Omission proceeded from innocent Mistake, or Ignorance of the Proceedings, or reasonable Misconception as to his Liability as a Partner, and unless he shall then follow out all necessary Steps for remedying as far as possible the Loss and Inconvenience thence arising.

Bankrupt may correct his State, and

XCV. The Bankrupt, before the Close of his Examination, may make such Additions to or Alterations upon the State of his Affairs as may have occurred to him to be necessary to give a full View of his Affairs, which State, with the Additions and Alterations, shall be subscribed by the Sheriff and the Bankrupt; and the Bankrupt shall then take the following Oath, which shall be engrossed in the Sederunt Book, and subscribed as aforesaid, as relative to such State; and when the Bankrupt is a Partner with others, and examined respecting the Affairs of the Partnership, the Words of the Oath shall so far be varied as to make it applicable to the Case:

then must take Oath inserted in this Act.

'I DO, in the Presence of Almighty God, and as I shall 'answer to God at the great Day of Judgment, solemnly 'swear, That the State of my Affairs subscribed by me as 'relative hereto contains a full and true Account, to the best 'of my Knowledge and Belief, of all the Debts, of whatever 'Nature, due to me, and of all my Estate and Effects, Heritable and Moveable, Real and Personal, wherever situated '(the necessary Wearing Apparel of myself, my Wife and 'Family, only excepted), as well as of all Claims which I am 'entitled to make against any Person or Persons whatsoever, 'and of all Estate in expectancy, or Means, of whatever 'kind, to which I have an eventual Right by Contract of 'Marriage, Trust Deed, Settlement, Deed of Entail, or otherwise; and that the said State likewise contains a full and 'true Account of all Debts due by me or Demands upon me; 'and that I have delivered up the whole Books, Documents, 'Accounts, Title Deeds, and Papers of every kind belonging 'to me which in any way relate to my Affairs, and which 'were or are in my Possession or under my Power; and that 'I have made a full Disclosure of every Particular relating to 'my Affairs: And further, I promise and swear, That I will 'forthwith reveal all and every other Circumstance or Particular relative to my Affairs which may hereafter come to 'my Knowledge, and which may tend to increase or diminish 'the Estate in which my Creditors may be interested, directly 'or indirectly.'

Oath

Powers of Second and subsequent Meetings of Creditors.

XCVI. Prior to the Meeting of Creditors after the Examination of the Bankrupt, or in the Case of a deceased Debtor prior to the First Meeting after the Election of the Trustee, the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what the Estate may produce, which Report he shall exhibit at the Meeting of Creditors, and give all Explanations relative thereto; and the Creditors assembled at such Meeting may receive an Offer of Composition, as herein-after provided, and may, either at this

Report by Trustee after Bankrupt's Examination.

Powers of Creditors over Estate.

this or any other Meeting, give Directions for the Recovery, Management, and Disposal of the Estate; and when any Part of the Estate consists of Land or other Heritable Property, it shall be optional to the Creditors to determine whether the Trustee is to bring such Property to Judicial Sale, or to dispose thereof by voluntary Public Sale, or by Private Sale, as herein-after provided.

Proceedings if Bankrupt do not make a fair Surrender.

XCVII. If it shall appear to a Majority of the Creditors in Number and Value assembled at any Meeting after the Examination of the Bankrupt, that he has not made a full and fair Surrender of his Estate, or that he has disposed of or concealed any Part of his Funds, to the Prejudice of his Creditors, or that his Bankruptcy has been fraudulent, they may authorize the Trustee to proceed against him in Terms of Law, at the Expense of the Estate.

Calling of and Procedure at Meetings.

When Meetings to be called.

XCVIII. The Trustee, or any Commissioner with Notice to the Trustee, may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting, when required by One Fourth in Value of the Creditors ranked on the Estate, or by the Accountant.

Notice of Meetings.

XCIX. Notice of the Day, Hour, Place, and Purpose of all Meetings of Creditors under this Act shall be advertised in the Gazette Seven Days at least before the Day of the Meeting, and such Meeting may be adjourned to the following Day.

No notice to be sent in certain Cases.

C. It shall not in any Case be necessary to send any Notification of the Day or Place of Meetings by Post to any Creditor whose Debt shall be under Twenty Pounds, unless such Creditor shall have given Directions in Writing that such Notification shall be sent; and no Notification shall be sent to any Creditor who has directed that none shall be sent.

Rules as to computing Majorities.

CI. All Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for; and when, for the Purpose of voting, the Creditors are required to be counted in Number, no Creditor whose Debt is under Twenty Pounds shall be reckoned in Number, but his Debt shall be computed in Value.

Extent of Trustee's Right.

Vesting of Estate in Trustee.

CII. The Act and Warrant of Confirmation in favour of the Trustee shall *ipso jure* transfer to and vest in him or any succeeding Trustee, for behoof of the Creditors, absolutely and irredeemably, as at the Date of the Sequestration, with all Right, Title, and Interest, the whole Property of the Debtor, to the Effect following:

1st. The Moveable Estate and Effects of the Bankrupt, wherever situated, so far as attachable for Debt, to the same Effect as if actual Delivery or Possession had been obtained, or Intimation made at that Date, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null or reducible:

Vesting of Moveable Estate.

2d. The whole Heritable Estate belonging to the Bankrupt in *Scotland*, to the same Effect as if a Decree of Adjudication in Implement of Sale, as well as a Decree of Adjudication for Payment and in Security of Debt, subject to no legal Reversion, had been pronounced in favour of the Trustee, and recorded at the Date of the Sequestration, and as if a Poinding of the Ground had then been executed, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null and reducible, and the Creditors' Right to poind the Ground as herein-after provided; and the Right of the Trustee shall not be challengeable on the Ground of any prior Inhibition (saving the Effect which such Inhibition may be entitled to in the ranking of the Creditors): Provided always, that such Transfer and Vesting of the Heritable Estate shall have no Effect upon the Rights of the Superior, nor upon any Question of Succession between the Heir and Executor of any Creditor claiming on the sequestrated Estate, nor upon the Rights of the Creditors of the Ancestor (except that the Act and Warrant of Confirmation shall operate in their favour as complete Diligence); and if any Part of the Bankrupt's Estate be held under an Entail or by a Title otherwise limited, the Right vested in the Trustee shall be effectual only to the Extent of the Interest in the Estate which the Bankrupt might legally convey, or the Creditors attach:

Vesting of Heritable Estate in Scotland.

3d. All Real Estate situated in *England*, *Ireland*, or in any of Her Majesty's Dominions, belonging to the Bankrupt, and all Interest in or regarding such Real Estate, which the Bankrupt held, or to which he was entitled: Provided always, that as regards all Freehold, Copyhold, and Leasehold Estate in *England*, *Ireland*, or any of Her Majesty's Dominions (except *Scotland*), the Act and Warrant of Confirmation shall be registered in the Chief Court of Bankruptcy for the Country in which the Property is situated, in the like Manner as an Adjudication of

Vesting of Real Estates in England, Ireland, and other British Dominions.

of Bankruptcy or other similar Process ought to be registered according to the Law of that Country, either in a separate Book, or in the General Book, as the Court of Bankruptcy shall order, or to the Intent that all Persons concerned may have the same Means of ascertaining whether any Person has been adjudged a Bankrupt according to the Law of *Scotland* as they have or shall have of ascertaining whether any Person has been adjudged a Bankrupt according to the Law for the Time being of the Country in which the Property is situated; and no Purchaser for valuable Consideration of any Freehold, Copyhold, or Leasehold Estate (except in *Scotland*) shall be affected by any such Bankruptcy until the Act and Warrant of Confirmation shall have been so registered as aforesaid: Provided also, that where, according to the Laws of *England*, *Ireland*, or other Her Majesty's Dominions, any Deed or Conveyance would require Registration, Enrolment, or recording, the Act and Warrant of Confirmation shall be so registered, enrolled, or recorded according to the Laws of *England*, *Ireland*, or other Her Majesty's Dominions; and if any Purchase is made by any Person for valuable Consideration, and without Notice of the Sequestration, prior to the Registration, Enrolment, or recording of the said Act and Warrant of Confirmation, such Purchase shall not be invalidated by the Existence of such Act and Warrant, or the subsequent Registration, Enrolment, or recording thereof.

Acquisitions of Bankrupt after the Sequestration to belong to the Creditors.

CIII. If any Estate, wherever situated, shall, after the Date of the Sequestration, and before the Bankrupt has obtained his Discharge, be acquired by him, or descend or revert or come to him, the same shall *ipso jure* fall under the Sequestration, and the full Right and Interest accruing thereon to the Bankrupt shall be held as transferred to and vested in the Trustee, as at the Date of the Acquisition thereof or Succession, for the Purposes of this Act; and the Trustee shall, on coming to the Knowledge of the Fact, present a Petition setting forth the Circumstance to the Lord Ordinary, who shall appoint Intimation to be made in the Gazette, and require all concerned to appear within a certain Time for their Interest; and after the Expiration of such Time, and no Cause being shown to the contrary, the Lord Ordinary shall declare all Right and Interest in such Estate which belongs to the Bankrupt to be vested in the Trustee, as at the Date of the Acquisition thereof or Succession thereto, to the same Effect as is herein-before enacted in regard to the other Estates; and the Proceeds thereof, when sold, shall be divided in Terms of this Act; and if the Bankrupt do not immediately notify to the Trustee that such Estate has been acquired, or has come to him as aforesaid, he shall forfeit all the Benefits of this Act, and it shall be competent to the Trustee to examine him as aforesaid in relation thereto: Provided always, that the Rights of the Creditors of the Person from whom such Estate shall come or descend to the Bankrupt shall be reserved entire.

Subjects improperly included in Sequestration may be struck out.

CIV. Any Person claiming Right to any Estate included in the Sequestration may present a Petition to the Lord Ordinary, praying to have such Estate taken out of the Sequestration, and the Lord Ordinary shall order the Trustee to answer within a certain Time, and on Expiration of such Time he shall proceed to dispose of the Application.

Trustee may complete Feudal Titles or grant such Rights as Bankrupt could do.

CV. The Bankrupt shall, if required, grant all Deeds necessary for recovering his Property and feudally vesting his Heritable Estate in the Trustee for the Purposes of this Act; and if the Bankrupt's Title to any Estate has not been completed, the Trustee may complete Titles in his own Person, whom failing, in favour of any Trustee who may succeed him, for Behoof of the Creditors, or in the Person of the Bankrupt; and Superiors shall, if required, enter the Trustee or the Purchaser from him in Terms of Law; and the Trustee may, without making up a Feudal Title in his Person, and without Concurrence of the Bankrupt, grant Conveyances of the Heritable Estate belonging to the Bankrupt, with such Procuratories, Precepts, or other Warrants, as the Bankrupt might competently have granted, which Conveyances shall be as effectual to the Purchaser as if they had been granted by the Bankrupt with Concurrence of the Trustee, and shall not be affected by any Inhibition against the Bankrupt, reserving the Effect of such Inhibition in the ranking.

Trustee may get Property transferred to him, although the Heir of the Bankrupt has made up Titles.

CVI. When Sequestration is awarded against the Estate of a Person after his Death, and his Successor has made up a Title to his Heritable Estate, the Trustee may apply by Petition to the Lord Ordinary, praying that such Estate shall be transferred to and vested in him, and the Lord Ordinary shall order the Petition to be served upon such Successor, and require him to answer the same within Fourteen Days; and an Abbreviate of such Petition and Deliverance, in Terms of the Schedule (A. No. 3.) hereunto annexed, being recorded in the Register of Inhibitions kept at *Edinburgh*, shall have the Effect of an Inhibition, and the Keeper of the Register shall write on the said Abbreviate a Certificate in Terms of the said Schedule (A. No. 2.); and if on Expiration of that

Period no Cause is shown to the contrary, the Lord Ordinary shall declare such Estate to be transferred to and vested in the Trustee, as at the Date of the Sequestration, to the same Effect as is herein-before provided in regard to the Act and Warrant of Confirmation; and the Trustee shall, within Eight Days thereafter, cause an Abbreviate of such Petition and Deliverance to be recorded in the Register of Abbreviates of Adjudications, in Terms of the Schedule E. No. 3. hereunto annexed, and the Keeper of the said Register shall write on such Abbreviate a Certificate in Terms of the said Schedule (E. No. 2.)

Decree to be recorded in the Register of Adjudications.

Effect of Sequestration on Ranking of Creditors.

Sequestration equivalent to an Adjudication in Competition;

CVII. The Sequestration shall, as at the Date thereof, be equivalent to a Decree of Adjudication of the Heritable Estates of the Bankrupt for Payment of the whole Debts of the Bankrupt, Principal and Interest, accumulated at the said Date, and when the Sequestration is dated within Year and Day of any effectual Adjudication, the Estate shall be disposed of under the Sequestration according to the Provisions of this Act: Provided, that nothing herein contained shall affect the Rights of any Heritable Creditor holding a Power of Sale preferable to the Powers of the Trustee.

And to Arrestment and Poinding.

Diligence on or after Sixtieth Day before Sequestration, or after it, ineffectual.

Expenses of Diligence.

CVIII. The Sequestration shall, as at the Date thereof, be equivalent to an Arrestment in Execution and Decree of Forthcoming, and to an executed or completed Poinding; and no Arrestment or Poinding executed of the Funds or Effects of the Bankrupt on or after the Sixtieth Day prior to the Sequestration shall be effectual; and such Funds or Effects, or the Proceeds of such Effects, if sold, shall be made forthcoming to the Trustee: Provided, that any Arrester or Poinder before the Date of the Sequestration who shall be thus deprived of the Benefit of his Diligence shall have Preference out of such Funds or Effects for the Expense *bonâ fide* incurred by him in such Diligence.

Interruption of Prescription.

CIX. The presenting of or concurring in a Petition for Sequestration, or the lodging a Claim in the Hands of the Trustee, or the Sheriff, or Preses at any Meeting of Creditors, shall interrupt Prescription of the Debt of the Creditor so petitioning, concurring, or claiming, and in regard to such Debt shall bar the Effect of any Statute of Limitations in *England* or *Ireland*, or other Her Majesty's Dominions, and although this Sequestration shall be recalled, such Interruption or Bar shall, notwithstanding, be effectual.

Preferences in

CX. When the Sequestration of the Estates of a deceased Debtor is dated within Seven Months after his Death, any Preference case of a deceased Debtor.

Preference or Security for any prior Debt acquired by legal Diligence on or after the Sixtieth Day before his Death, or subsequent to his Death, and any Preference or Security acquired for a prior Debt by any Act or Deed of the Debtor which has not been lawfully completed for a Period of more than Sixty Days before his Death, and any Confirmation as Executor-Creditor after the Debtor's Death, shall in these several Cases be of no Effect in competition with the Trustee ; and the Estates and Effects over which such Preferences or Securities shall have been obtained, or of which Confirmation shall have been expede, shall belong to the Trustee: Provided, that the Creditor, who is so deprived of the Benefit of his Diligence or Confirmation shall have Preference for Payment out of the said Estates or Effects of the Expenses *bonâ fide* incurred by him in such Diligence or Confirmation.

Acts and Payments by Bankrupt after Sequestration null, except in certain Cases.

CXI. All Payments and Preferences or Securities obtained by or granted to prior Creditors, and all Acts done or Deeds granted by the Bankrupt after the Date of the Sequestration and before his Discharge out of or in relation to the Estate (unless with the Consent of the Trustee), shall, in the event of Sequestration being awarded, be null and void ; and the Trustee shall be entitled to such Preference or Security, and to any Money so paid, deducting any Expense *bonâ fide* incurred ; but if a *bonâ fide* Purchaser is in possession of Moveable Effects received from the Bankrupt after Sequestration, but in Ignorance thereof, and when ignorant thereof for a Price paid, or which he is ready to pay, he shall not be obliged to restore the Effects ; and if a Debtor, in Ignorance of the Sequestration, have paid his Debt *bonâ fide* to the Bankrupt, he shall not be obliged to pay it a Second Time to the Trustee ; and if the Possessor of any Bill or Promissory Note, which is payable by the Bankrupt, with recourse on other Parties, or of a Security for a Debt due by the Bankrupt, shall have received Payment of his Debt from the Bankrupt in Ignorance of the Sequestration, and given up such Bill, Promissory Note, or Security to the Bankrupt, such Person shall not be liable to repay to the Trustee the Amount so received, unless the Trustee shall replace him in the Situation in which he stood, or reimburse him for any Loss or Damage.

Realization of Heritable Estate.

Sale of Heritable Estate by Creditor.

CXII. A Creditor holding a Security over the Heritable Estate of the Bankrupt, preferable to the Right of the Trustee, with a Power to sell, may sell, in Terms of his Security, notwithstanding the Sequestration, and it shall be competent to the Trustee to concur therein in order to fortify the Title ;

and the Trustee or any posterior Heritable Creditor preferable to him may, by Petition to the Lord Ordinary or to the Sheriff, compel the said Creditor and the Purchaser to account for any Reversion of the Price.

Sale by Trustee with Concurrence of Heritable Creditors.

Discharge of Burdens on Sale.

CXIII. If a Creditor holding an Heritable Security, with a Power to sell, concur with the Trustee in bringing the Estate to Sale, the Trustee shall sell the same in his own Name, and the Articles of Roup and Conveyance to the Purchaser shall be executed by the Trustee, with Consent of such Creditor and the Commissioners; and the Price shall be paid by the Purchaser to the Parties legally entitled thereto, and in so far as not paid at the Time of the Delivery of the Conveyance, it shall be consigned in the Bank in which the Money of the sequestrated Estate is deposited; which Payment or Consignation of the Price shall free and discharge the Estate sold and the Purchaser from the Security of the consenting Creditor, whether the Debt in such Security be satisfied or not, and from all Securities postponed to the Security of such Creditor.

Sale by Trustee alone.

CXIV. If the Creditors, at the Meeting held after the Examination of the Bankrupt, or at any other Meeting called for the Purpose, resolve that the Trustee shall dispose of the Heritable Estate by Public Sale or bring it to Judicial Sale, and if such Resolution has been made before an Heritable Creditor having a Power of Sale shall have commenced Proceedings for Sale, or if such Proceedings, after being commenced prior to the Date of such Resolution, have thereafter been unduly delayed, such Creditor shall not be entitled to interfere with the Sale by the Trustee; and if a Public Sale of the Heritable Estate be resolved on, such Sale shall be made by Auction at the Upset Price and in the Manner which shall be fixed by the Trustee, with Consent of the Commissioners: Provided always, that the Estate shall not be sold for less than the Upset Price, and that such Upset Price shall not be less than sufficient to pay the Debt, Principal, Interest, and Expenses of the Heritable Creditor.

Trustee may with Approval of Accountant sell by private Bargain.

CXV. It shall be competent for the Trustee, with Concurrence of a Majority of the Creditors in Number and Value, and of the Heritable Creditors, if any, and of the Accountant, to sell the Heritable Estate by private Bargain, on such Terms and Conditions regarding Price and otherwise, as the Trustee, with Concurrence of those Parties, may fix.

Trustee to make up a Scheme of Ranking and Division of Price.

CXVI. It shall be the Duty of the Trustee to make up a Scheme of Ranking and Division of the Claims of the Heritable Creditors and other Creditors on the Price of the Heritable Estate sold; and such Scheme of Ranking and Division shall be reported by him to the Lord Ordinary or either Division of the Court of Session; and the Judgment thereon shall be a Warrant for Payment out of the Price against the Purchaser of the Heritable Estate.

CXVII. It shall be competent for the Lord Ordinary or the Court, on Application by the Trustee or any Creditor interested, with a Report thereon by the Accountant in Bankruptcy, and on Cause shown, to grant an Interim Warrant for Payment of preferable Claims out of the Price of the Estate, or to authorize an Interim Scheme of Division out of the Price, which Scheme of Division shall be disposed of as the Scheme of Division already provided for.

Court may grant Interim Warrant for Payment out of Price.

CXVIII. No Poinding of the Ground which has not been carried into execution by Sale of the Effects Sixty Days before the Date of the Sequestration, and no Decree of Maills and Duties on which a Charge has not been given Sixty Days before the said Date, shall (except to the Extent herein-after provided) be available in any Question with the Trustee: Provided, that no Creditor who holds a Security over the Heritable Estate preferable to the Right of the Trustee shall be prevented from executing a Poinding of the Ground, or obtaining a Decree of Maills and Duties after the Sequestration, but such Poinding or Decree shall, in competition with the Trustee, be available only for the Interest on the Debt for the current half-yearly Term, and for the Arrears of Interest for One Year immediately before the Commencement of such Term.

Heritable Creditor's Right to poind the Ground limited.

CXIX. Nothing in this Act contained shall affect the Landlord's Right of Hypothec.

Landlord's Hypothec saved.

CXX. When any Estate is sold publicly by virtue of this Act, it shall be lawful for any Creditor to purchase the same; but the Trustee or Commissioners, or Adjudger, selling as aforesaid, shall not be entitled to purchase.

Creditors may purchase.

Payment of Dividends.

CXXI. The whole Estate, when reduced into Money, shall, after paying all necessary Charges and a Commission to the Trustee, be divided among those who were Creditors of the Bankrupt at the Date of the Sequestration, ranked according to their several Rights and Interests.

Realized Estate to be a Fund of Division.

CXXII. The Wages of Workmen, and of Clerks and Shopmen and Servants employed by the Bankrupt, where such Wages do not exceed Sixty Pounds *per Annum*, shall be entitled to the same Privilege as the Wages of domestic Servants to the Extent of a Month's Wages prior to the Date of Sequestration being awarded, or where Sequestration is not

Workmen's Wages to be privileged.

awarded prior to the Concourse of Diligence for Distribution of the Estate of a Party being Notour Bankrupt.

Creditor to produce Oath, &c. Two Months before Payment of First Dividend, and One Month before subsequent Dividends.

CXXIII. To entitle any Creditor to the Payment of the First Dividend, he shall produce, as is herein-before directed, his Oath and Grounds of Debt at least Two Months before the Time fixed for Payment of the First Dividend, when such Time of Payment shall not have been accelerated, or One Month before the Time fixed for Payment of the First Dividend where such Time shall have been accelerated; and to entitle any Creditor to Payment of any of the subsequent Dividends, he shall produce, as aforesaid, his Oath and Grounds of Debt at least One Month before the Time fixed for Payment of the Dividend which he means to claim; provided that if a Creditor has not produced his Oath and Grounds of Debt in Time to share in the First Dividend, but has done so in Time to share in the Second Dividend, he shall be entitled, on Occasion of Payment of the Second Dividend, to receive out of the first of the Fund (if there be sufficient for that Purpose) an equalizing Dividend corresponding to the Dividend he would have drawn if he had claimed in Time for the First Dividend: and the same Rule shall apply as to all subsequent Dividends.

Creditors resident abroad may lodge Oath at later Periods.

CXXIV. When any Creditor not resident within *Great Britain* or *Ireland* at the Date of the Deliverance awarding Sequestration, or at any Time within Five Months thereafter, shall lodge his Oath and Grounds of Debt Fourteen Days previous to any Time fixed for Payment of a Dividend, though not in time to entitle such Creditor to participate in such Dividend, the Trustee shall make such Deduction from the divisible Fund as shall be equal to the Dividend which would have been payable to such Creditor had his Oath and Grounds of Debt been timeously lodged and his Claim been sustained; and the Sum so deducted shall form Part of the Fund for Division on the Occasion of Payment of the next Dividend.

Trustee to make up and exhibit to Commissioners State of Funds.

CXXV. Immediately on the Expiration of Four Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall proceed to make up a State of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Property outstanding (specifying the Cause why it has not been recovered), and also an Account of his Intromissions, and generally of his Management; and within Fourteen Days after the Expiration of the said Four Months the Commissioners shall meet and examine such State and Account and ascertain whether the Trustee has lodged the Moneys recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of Twenty Pounds on every Hundred Pounds not so lodged, and so after that

Rate on any larger or smaller Sum, being not less than Fifty Pounds; and they shall audit his Accounts, and settle the Amount of his Commission, and authorize him to take Credit for such Commission in his Accounts with the Estate; and they shall certify, by a Writing under their Hands engrossed or copied in the Sederunt Book, the Balance due to or by the Trustee in his Account with the Estate as at the Expiration of the said Four Months; and they shall declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided among the Creditors.

Commissioners to resolve as to Payment of Dividend, &c.

CXXVI. The Trustee shall also within the said Fourteen Days examine the Oaths and Grounds of Debt, and in Writing reject or admit them, or require further Evidence in support thereof, for which Purpose he may examine the Bankrupt, Creditor, or any other Party on Oath relative thereto; and in case he shall reject any Claim, he shall in his Deliverance state the Grounds of such Rejection; and he shall complete the List of the Creditors entitled to draw a Dividend, specifying the Amount of their Debts, with Interest thereon to the Date of the Sequestration, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part.

Trustee to examine and reject or admit Claims, and make up List of Creditors entitled to Payment of Dividend;

CXXVII. The Trustee shall, within Eight Days after the Expiration of such Fourteen Days, give Notice in the Gazette published next after Expiration of such Fourteen Days of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the First lawful Day after the said Fourteen Days, addressed to each Creditor, in which he shall specify the Amount of the Claim and proposed Dividend thereon, and when he has rejected any Claim he shall notify the same to the Claimant by Letter as aforesaid, which Letter shall also contain a Copy of his Deliverance, and specify the Amount of the Claim; and a Certificate by the Trustee or an Execution by a Messenger or Sheriff Officer that such Letters have been put into the Post Office shall be sufficient Evidence thereof; and if any Creditor be dissatisfied with the Decision of the Trustee, he may appeal by a short written Note to the Lord Ordinary or to the Sheriff; but if no such Note be lodged with and marked by the Bill Chamber or Sheriff Clerk (as the Case may be) before the Expiration of Fifteen Days from the Date of the Publication in the Gazette of the said Notice, the Decision of the Trustee shall be final and conclusive so far as regards that Dividend; and in case the Claim have been rejected, such Decision

and to publish and send Notices of Payment of Dividend.

Creditors may appeal within a limited Period.

Decision shall be without Prejudice to any new Claim being afterwards made in reference to future Dividends, but which new Claim shall not disturb prior Dividends.

Trustee to make up a Scheme of Division.

CXXVIII. The Trustee shall, before the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, make up a Scheme of Division of the Fund directed by the Commissioners to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Claims have been sustained by him or by the Lord Ordinary or Sheriff, or who shall have appealed against his Decision, and which Scheme shall be patent to all concerned, and shall send Notice to each Creditor of the Amount of the Dividend to which he may be entitled.

Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.

CXXIX. On the First lawful Day after the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, and at the Place appointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Scheme; and he shall lodge the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends effeiring to contingent Creditors, or other Claimants, not then entitled to uplift the same, in the Bank appointed by the Creditors, or failing such Appointment, in any Joint Stock Bank of Issue in *Scotland* in a separate Account, or if the Money be deposited in Bank, he shall transfer it to a separate Account in Name of himself and the Commissioners, to remain therein until the said Appeals be disposed of or the Dividends become payable.

Second Dividend.

Trustee to make up State, &c., and Commissioners to resolve as in case of First Dividend.

CXXX. On the Expiration of Eight Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall again make up a State as herein-before provided, which he shall within Fourteen days after the Expiration of the said Eight Months exhibit to the Commissioners, who shall meet and examine and audit the same, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid, if there shall be Funds to pay the same; and if the Commissioners shall direct a Dividend to be paid, the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Scheme of Division, and notify in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided with respect to the First Dividend; provided that no Appeal by a Creditor shall be competent unless the Note of Appeal be lodged within Fifteen Days of the Date of Notification in the Gazette.

Dividend to be paid

CXXXI. On the First lawful Day after the Expiration of Ten Months from the Date of the Deliverance actually awarding

ing Sequestration, the Trustee shall make Payment of the Second Dividend to those Creditors who are entitled thereto, and shall lodge the Dividend disputed or not then payable, all as herein-before provided with respect to the First Dividend.

Subsequent Dividends.

Same Proceedings as in prior Dividends.

CXXXII. The like Procedure shall be followed out as to subsequent Dividends at similar Intervals of Time thereafter, in order that a Dividend may be made on the First lawful Day after the Expiration of every Three Months from the Day of Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Dividends may be accelerated in certain Cases.

CXXXIII. After the Second Dividend is made, a Majority of the Creditors, at any General Meeting called for the Purpose, may determine that future Dividends shall be made at shorter Intervals, and the Affairs of the Estate brought to a more speedy Close; and even before the Period assigned for the First Dividend as aforesaid, it shall be competent to Three Fourths in Number and Value of the Creditors present at the Meeting after the Bankrupt's Examination, or at any subsequent Meeting called for the Purpose, to direct the Trustee to apply to the Lord Ordinary or the Sheriff for Authority to make the First Dividend at an earlier Period than the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, but not earlier than Four Months from such Date, if upon Cause shown it shall be found expedient so to do, and also to accelerate the Time for making the Second and other Dividends; and when the Lord Ordinary or the Sheriff shall, upon such Application, accelerate the First or any subsequent Dividend, which he is hereby empowered to do, he shall also make the requisite Provision for the Acceleration of any other Matters which he may find it necessary to accelerate in consequence thereof.

Proceedings when Commissioners postpone the Dividend.

CXXXIV. If it shall appear to the Commissioners that a Dividend ought to be postponed, they may do so till the Recurrence of another stated Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next Gazette.

Where Estate is chiefly Land Periods of Payment may be altered.

CXXXV. In Cases where the Sequestrated Estate consists chiefly of Land, and in any other Cases where it may be necessary, it shall be competent for the Court of Session or the Lord Ordinary or Sheriff, on a special Application by the Trustee and Commissioners, to authorize such Alteration in the Periods above mentioned for Payment of Dividends as shall be found most suitable to the Circumstances of the Case.

Winding up of Estate.

CXXXVI. If on the Lapse of Twelve Months from the Date of the Deliverance actually awarding Sequestration it shall appear to the Trustee and Commissioners expedient to sell the Heritable or Moveable Estates not disposed of, and any Interest which the Creditors have in the outstanding Debts and consigned Dividends, they shall fix a Day for holding a Meeting of the Creditors to take the same into consideration; and the Trustee, besides advertising the same in the Gazette, shall, Fourteen Days before the Day appointed, send by Post to each Creditor claiming on the Estate a Notice of the Time and Place of the Meeting, with a Valuation of the Estates and of the outstanding Debts and the consigned Dividends; and if Three Fourths in Value of the Creditors assembled at the Meeting shall decide in favour of a Sale, in whole or in Lots, the Trustee shall cause the Estates, Debts, and Dividends to be sold by Auction, after Notice thereof published at least One Month previous to the Sale, once in the Gazette, and in such other Newspapers as the Creditors at the Meeting shall appoint.

Discharge of Bankrupt.

1*st. On Composition.*

Offer of Composition may be made at the Meeting for Election of Trustee.

CXXXVII. At the Meeting for Election of Trustee the Bankrupt or his Friends, or, in case of his Decease, his Successors, and in case of a Company, One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if the Majority of the Creditors in Number and Nine Tenths in Value present at such Meeting shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall forthwith advertise in the Gazette a Notice that an Offer of Composition has been so made and entertained, and that it will be decided upon at the Meeting to be held after the Examination of the Bankrupt, and shall specify the Hour, Day, and Place, and also transmit by Post Letters to each of the Creditors claiming on the Estate, or mentioned in the Bankrupt's State of Affairs, containing a Notice of such Resolution, and of the Day and Hour at which, and the Place where, such Meeting is to be held, and specifying the Offer and Security proposed, and giving an Abstract of the State of the Affairs and of the Valuation of the Estate, so far as the same can be done, to enable the Creditors to judge of such Offer and Security.

Offer, if entertained, to be disposed of at the Meeting after the Bankrupt's Examination.

CXXXVIII. If at the Meeting held after the Examination of the Bankrupt a Majority in Number and Nine Tenths in Value of the Creditors there assembled shall accept such Offer and Security, a Bond of Caution for Payment of the Composition, executed by the Bankrupt or his Successors, or the Partners of a Company (as the Case may be), be), and the proposed Cautioner, shall be forthwith lodged in the Hands of the Trustee; and the Trustee shall thereupon subscribe and transmit a Report of the Resolution of the Meeting, with the said Bond, to the Bill Chamber Clerk or Sheriff Clerk, in order that the Approval of the Lord Ordinary or Sheriff (whichever may be selected by the Trustee) may be obtained thereto; and if the Lord Ordinary or the Sheriff, after hearing any Objections by Creditors, shall find that the Offer, with the Security, has been duly made, and is reasonable, and has been assented to by a Majority in Number and Nine Tenths in Value of all the Creditors assembled at the said Meeting, he shall pronounce a Deliverance approving thereof; provided that he shall hear any Objection by opposing Creditors, and if he shall refuse to sustain the Offer or reject the Vote of any Creditor, he shall specify the Grounds of Refusal or Rejection.

Lord Ordinary or Sheriff to approve.

CXXXIX. In like Manner, at the Meeting held after the Examination of the Bankrupt, or at any subsequent Meeting called for the Purpose by the Trustee, with the Consent of the Commissioners, the Bankrupt, or his Friends, or in case of his Decease his Successors, or any of them, and in the Case of a Company One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if a Majority in Number and Four Fifths in Value of the Creditors present shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall call another Meeting to be held at a specified Hour on a specified Day, being not less than Twenty-one Days thereafter, and at a specified Place, and shall, Seven Days at least before such other Meeting, send by Post Letters addressed to each of the Creditors who have claimed on the Estate or are mentioned in the Bankrupt's State of Affairs, which Letter shall contain a Notice of such Resolution, and of the Hour, Day, and Place, and Purpose of the Meeting, and specify the Offer and Security proposed, and give an Abstract of the State of the Affairs and Valuation of the Estate, so far as can be done, to enable the Creditors to judge of such Offer; and if at the Meeting so called a Majority in Number and Four Fifths in Value of the Creditors present shall accept the said Offer and Security, a Bond of Caution shall be lodged and a Report made, and a Deliverance pronounced, all in the same Manner and to the same Effect as is herein-before provided.

Offer of Composition may also be made at Meeting after Bankrupt's Examination.

CXL. On such Deliverance being pronounced, approving of the Composition in either of the Cases above specified, the Bankrupt, or if deceased his Successor or other Party offering the

Bankrupt on making Declaration or

Oath to obtain his Discharge.

the Composition, shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or the Sheriff (as the Case may be), that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, or made or promised any Payment, or entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to such Offer and Security; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by a lawful Cause prevented from appearing before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff (as the Case may be), on being satisfied with such Oath or Declaration, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him, or for which he was liable at the Date of the Sequestration, and shall declare the Sequestration to be at an end, and the Bankrupt re-invested in his Estate (reserving always the Claims of the Creditors for the said Composition against him and the Cautioner); and the Bond of Caution shall be recorded in the Books of the Court of Session, or, when such Deliverance is pronounced by the Sheriff, in the Books of the Sheriff Court; and an Extract of such Deliverance, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same, with the Copy of the Proceedings in the Sequestration transmitted to him, as herein provided; and the Clerk of the Bills or the Sheriff Clerk shall also issue an Abbreviate of such Deliverance in the Form of Schedule (.) hereto annexed, which Abbreviate shall be recorded in the Register of Inhibitions and the Register of Abbreviates of Adjudications at *Edinburgh*, and the Keepers of the said Registers, if required, shall grant Certificates of such Registration in the Form of Schedule (.) hereto annexed; and such Deliverance of the Lord Ordinary or of the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive Effect within *Great Britain* and *Ireland* and Her Majesty's other Dominions, and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

Trustee's Accounts to be audited before the Composition be approved of.

CXLI. Before the Lord Ordinary or the Sheriff shall pronounce the Deliverance approving of the Composition, the Commissioners shall audit the Accounts of the Trustee, and ascertain the Balance due to or by him, and fix the Remuneration for his Trouble, subject to the Review of the Lord Ordinary or the Sheriff, if complained of by the Trustee, the Bankrupt, or any of the Creditors; and the Expense attending the Sequestration and such Remuneration shall be paid or provided for to the Satisfaction of the Trustee and Commissioners before such Deliverance is pronounced.

Sequestration to go on, notwithstanding Offer of Composition.

CXLII. Notwithstanding such Offer of Composition and Proceeding consequent thereon the Sequestration shall continue, and the Trustee shall proceed in the Execution of his Duty as if no such Offer had been made, until the Deliverance by the Lord Ordinary or the Sheriff be pronounced, when the Sequestration shall cease and be at an end, and the Trustee be exonered and discharged: Provided nevertheless, that the Trustee and his Cautioner shall be liable, on Petition to the Lord Ordinary or Sheriff by the Bankrupt or his Cautioner for the Composition, to account for his Intromissions and other Acts as Trustee.

Bankrupt and Cautioner not to be entitled to object to certain Debts.

CXLIII. Neither the Bankrupt, nor his Successor offering the Composition, nor the Cautioner for the Composition, shall be entitled to object to any Debt which the Bankrupt has given up in the State of his Affairs as due by him, or admitted without Question to be reckoned in the Acceptance of the Offer of Composition, nor to object to any Security held by any Creditor, unless in the Offer of Composition such Debt or Security shall be stated as objected to, and Notice in Writing given to the Creditor in right thereof.

Claims against Cautioner limited in certain Cases to Two Years.

CXLIV. No Person who has not produced an Oath as a Creditor before the Date of the Deliverance approving of the Composition shall be entitled to make any Demand against the Cautioner after the Space of Two Years from the Date of such Deliverance, reserving to such Creditor his Claim for the Composition against the Bankrupt and his Estate.

If Offer of Composition rejected, no other to be entertained unless Nine Tenths of Creditors ranked shall agree.

CXLV. If an Offer of Composition have been made and rejected, or have become ineffectual, no other Offer of Composition shall be entertained unless Nine Tenths in Number and Value of all the Creditors ranked or entitled to be ranked on the Estate shall assent in Writing to such Offer, which Offer shall state the Amount of Composition and the Terms of Payment, and be subscribed by the Cautioner proposed, in which Case a Meeting shall be called in manner before directed by the Trustee for finally disposing of the same; and if at the Meeting so called a Majority in Number and Nine Tenths in Value of the Creditors present shall accept such Offer and Security, and the same shall be assented to by Nine Tenths in Value of all the Creditors who have produced Oaths as aforesaid, a Bond of Caution shall be lodged and a Report made, and Deliverances pronounced, and the other Proceedings shall take place and have effect in the same Manner as is herein-before provided for other Offers of Composition.

2d. Without Composition.

Proceedings for this Purpose.

May be discharged with Consent of Creditors.

CXLVI. The Bankrupt may at any Time after the Meeting held after his Examination petition the Lord Ordinary or the Sheriff to be finally discharged of all Debts contracted by him before the Date of the Sequestration, provided that every Creditor who has produced his Oath as aforesaid shall concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Four Fifths in Value of the Creditors who have produced Oaths concur in the Petition, and the Bankrupt may also present such Petition on the Expiration of Twelve Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Two Thirds in Value of the Creditors concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Eighteen Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Value concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Two Years from the Date of the Deliverance actually awarding Sequestration without any Consents of Creditors; and the Lord Ordinary or the Sheriff, as the Case may be, shall in each of the Cases aforesaid order the Petition to be intimated in the Gazette and to each Creditor; and if, at the Distance of not less than Twenty-one Days from the Publication of such Intimation, and on Evidence being produced of Concurrence as aforesaid, where such Concurrence is required, there be no Appearance to oppose the same, the Lord Ordinary, or the Sheriff, as the Case may be, shall pronounce a Deliverance finding the Bankrupt entitled to a Discharge; but if Appearance be made by any of the Creditors or by the Trustee, the Lord Ordinary or the Sheriff, as the Case may be, shall judge of any Objections against granting the Discharge, and shall either find the Bankrupt entitled to his Discharge, or refuse the Discharge, or defer the Consideration of the same for such Period as he may think proper, and may annex such Conditions thereto as the Justice of the Case may require: Provided that no Discharge shall be granted to the Bankrupt where under the Provisions of this Act he is only entitled to apply for a Decree of Cessio; and provided also, that it shall not be competent for the Bankrupt to present a Petition for his Discharge, or to obtain any Consent of any Creditor to such Discharge, until the Trustee shall have prepared a Report with regard to the Conduct of the Bankrupt, and as to how far he has complied with the Provisions of this Act, and, in particular, whether the Bankrupt has made a fair Discovery and Surrender of his

After Two Years may be discharged without Consent.

Estate, and whether he has attended the Diets of Examination, and whether he has been guilty of any Collusion, and whether his Bankruptcy has arisen from innocent Misfortunes or Losses in Business, or from culpable or undue Conduct; and such Report may be prepared by the Trustee, upon the Requisition of the Bankrupt, at any Time after the Bankrupt's Examination, but shall not be demandable from the Trustee till the Expiration of Five Months from the Date of the Deliverance actually awarding Sequestration; and such Report shall be produced in the Proceedings for the Bankrupt's Discharge, and shall be referred to by its Date, or by other direct Reference, in any Consent to his Discharge.

Bankrupt to make a Declaration or Oath before obtaining Discharge.

CXLVII. If the Bankrupt shall be found entitled to his Discharge he shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or Sheriff, that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, nor made or promised any Payment, nor entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to his Discharge; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by lawful Cause prevented from coming before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff, as the Case may be, on being satisfied with such Declaration or Oath, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him or for which he was liable at the Date of the Sequestration; and when the Deliverance discharging the Bankrupt is pronounced by the Lord Ordinary or Sheriff, an Extract thereof, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same with the Copy of the Proceedings in the Sequestration transmitted to him, and Extracts thereof, signed as aforesaid, shall be transmitted to the Keepers of the Registers of Inhibitions and Adjudications at *Edinburgh*, who shall enter the same in the said Register; and such Deliverance by the Lord Ordinary or the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive effect within *Great Britain* and *Ireland* and all Her Majesty's other Dominions; and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

This Act not to extend to discharge

CXLVIII. This Act shall not extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged

Crown Debtors, &c. unless Treasury give Consent.

charged at the Suit of the Crown or any Person for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other public Officer upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

Pay, Half Pay, and Pensions of Bankrupts to be applicable for the Benefit of Creditors.

CXLIX. The Lord Ordinary or Sheriff may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as on Communication from the Lord Ordinary or Sheriff to the Secretary of War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief Officers of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, or to the Court of Directors of the *East India* Company, they respectively may, under their Hands, or under the Hand of their respective chief Secretary, or other chief Officer for the Time being, consent to in Writing, to be paid to the Trustee in order that the same may be applied in Payment of the Debts of such Bankrupt; and such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of the said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Trustee until the Lord Ordinary or Sheriff shall make Order to the contrary.

Preferences and Collusions for procuring Discharge to be void.

Preferences, Payments, and collusive Agreements for Discharge to be void.

CL. All Preferences, Gratuities, Securities, Payments, or other Consideration not sanctioned by this Act, granted, made, or promised, and all secret or collusive Agreements and Transactions, for concurring in, facilitating, or obtaining the Bankrupt's Discharge, either on or without an Offer of Composition, and whether the Offer be accepted or not, or the Discharge granted or not, shall be null and void; and if during the Sequestration any Creditor shall have obtained any such Preference, Gratuity, Security, Payment, or other Consideration or Promise thereof, or entered into such secret or collusive Consideration or Agreement or Transaction, the Trustee shall be entitled to retain his Dividend, and he or any Creditor ranked on the Estate may present a Petition to the Lord Ordinary or to the Sheriff, praying that such Creditor shall be found to have forfeited his Debt, and be ordained to pay to the Trustee double the Amount of the Preference, Gratuity, Security, Payment, or other Consideration given, made, or promised, and if no Cause be shown to the contrary, Decree shall be pronounced accordingly; and the Sums which in such Case may be recovered shall, under Deduction of the Expenses of recovering the same, be distributed by the Trustee among the other Creditors under the Sequestration; and if the Sequestration shall have been closed, it shall be competent to any Creditor who shall not have received full Payment of his Debt to raise a Multiplepoinding in Name of the Person who has obtained such Preference, Gratuity, Security, Payment, or other Consideration or Promise as aforesaid, and on the Value of the Preference, Gratuity, or Security, or Amount of the Sum paid or Consideration obtained, being ascertained, double such Value or Amount, together with the Amount of the Debt of the colluding Creditor, shall be ordered to be consigned by him, and shall be divided among the Creditors who were ranked or were entitled to be ranked in the Sequestration, and have not received full Payment of their Debts, and who shall lodge Claims in such Multiplepoinding, according to their respective Rights and Interests; and such Multiplepoinding shall be executed in Terms of Law against the colluding Creditor, and Notice thereof at the same Time be inserted in the Gazette; and in the event of there being any Surplus, after paying the full Debts of the Creditors, and defraying the Expenses of the Sequestration or other Proceeding, the same shall be paid into the Account of Unclaimed Dividends, as herein-after provided.

Bankrupt to forfeit Privileges, if participant in giving such Preferences, &c.

CLI. If the Bankrupt shall have been personally concerned in or cognizant of the granting, giving, or promising any Preference, Gratuity, Security, Payment, or other Consideration, or in any secret or collusive Agreement or Transaction as aforesaid, he shall forfeit all Right to a Discharge and all Benefits under this Act; and such Discharge, if granted, either on or without an Offer of Composition, shall be annulled; and the Trustee, or any One or more of the Creditors, may apply by Petition to the Lord Ordinary to have such Discharge annulled accordingly.

Trustee's Discharge.

Proceedings for this Purpose.

CLII. After a final Division of the Funds, the Trustee shall call a Meeting of the Creditors, by an Advertisement in the Gazette, to be held not sooner than Twenty-one Days after such Publication, specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has produced an Oath as aforesaid, to consider as to an Application for his Discharge, and at such Meeting he shall lay before the Creditors the Sederunt Book and Accounts, with a List of unclaimed Dividends, and the Creditors may then declare their Opinion of his Conduct as Trustee, and he may thereafter apply to the Lord Ordinary or the Sheriff, who, on advising the Petition, with the Minutes of the Meeting, and hearing any Creditor, may pronounce or refuse Decree of Exoneration and Discharge; and an Extract of such Decree, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, and shall be entered in the Register of Sequestrations, and the Bond of Caution for the Trustee delivered up.

Trustees to lodge unclaimed Dividends, &c. in Bank.

Claimants showing Right to apply to Lord Ordinary for Authority to receive Dividends.

Interest Account of unclaimed Dividends.

CLIII. Every Trustee in any Sequestration shall, before his Discharge, transmit the Sederunt Book to the Accountant, who shall thereupon direct the Trustee to deposit the unclaimed Dividends in the same Bank in which Money received by him was lodged under the Provisions of this Act; and the Trustee shall forthwith transfer the whole Dividends not then claimed to such Bank, to be there entered in an Account to be kept under the Title of "Account of Unclaimed Dividends;" and a Book or Books shall be kept in the Office of the Accountant, to be entitled "The Register of Unclaimed Dividends," containing a List, with the Names arranged alphabetically, of all the Creditors entitled to such unclaimed Dividends, and in what Bank deposited, which shall be patent to all Persons, and the Deposit Receipts for such unclaimed Dividends shall be transmitted to the Accountant; and after the Discharge of the Trustee it shall be competent to any Person, producing Evidence of his Right, to apply to the Lord Ordinary for Authority to receive such Dividends, and on the Lord Ordinary being satisfied of the Claimant's Right, a Warrant shall be granted by him for Payment of such Dividend, whereof the Accountant shall make an Entry in the said Register, and upon such Warrant the Bank shall pay the same; provided that the Claimant shall not be entitled to Interest on such Dividend, but such Interest shall go into a general Fund, of which an Account shall be kept by such Bank, to be called "The Interest Account of Unclaimed Dividends," and which Fund shall be applied in such Manner as shall be regulated by any Act of Parliament; and if at the End of Twenty-five Years from the Date of closing any Sequestration there shall remain in the Bank any unclaimed Dividends belonging to the Estate, the same shall be vested in Government Stock, and the Dividends thereon shall be regularly accumulated for the Purpose of forming a Fund for defraying the Expense of Proceedings in Bankruptcy or otherwise, as Parliament shall hereafter direct; and such Bank shall once yearly at least balance the said Accounts, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if any such Bank fail to do so, such Bank shall be liable to account as if such Money had been so accumulated.

Law Accounts to be taxed.

CLIV. All Accounts for Law Business incurred by the Trustee shall before Payment thereof by the Trustee be submitted for Taxation to the Auditor of the Court of Session, or to the Auditor of the Sheriff Court of the County in which the Sequestration was carried on, as may be directed by a General Meeting of the Creditors.

Surplus to be paid to Bankrupt.

CLV. Any Surplus of the Bankrupt's Estate and Effects that may remain after Payment of his Debts, with Interest, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, or to his Successors or Assignees.

Accountant in Bankruptcy.

Appointment of Accountant in Bankruptcy.

CLVI. It shall be lawful for Her Majesty, and Her Heirs and Successors, to appoint a Person versant in Law and Accounts, to be called "The Accountant in Bankruptcy," for performing the Duties of that Office, with such yearly Salary, not exceeding Eight hundred and fifty Pounds *per Annum*, payable quarterly out of any Monies to be voted by Parliament for that Purpose, and with such Accommodation of Office Rooms, or reasonable Allowance for the same out of the said Fund, as may be fixed by the Commissioners of Her Majesty's Treasury, and the Accountant shall be allowed Three Clerks, whom he shall appoint, with a Salary not exceeding One hundred and fifty Pounds yearly, which Salaries shall be paid quarterly out of any Monies to be voted by Parliament for that Purpose; and the Accountant shall hold no other Office appointed to by Government, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice before the Supreme or any inferior Court, and he shall not, directly or indirectly, have any Management of or Intromission with any Money of any Bankrupt Estate under Charge of the Court of Session or of any Sheriff Court, or constituting the Fund in any Process of Sequestration.

Accountant to keep Register of Sequestrations.

CLVII. The Accountant shall keep a Book, entitled "The Register of Sequestrations," in the general Form of Schedule (G.) hereunto annexed, but with such additional Heads as he may find necessary, which Book shall be patent to all concerned, and he shall regularly enter therein the Division of the Court to which any Sequestration awarded in the Court of

Session is appropriated, or the Sheriff awarding Sequestration and the Sheriff to whom the Sequestration is remitted, the Date of the First Deliverance on every Petition of Sequestration, whether in the Court of Session or Sheriff Court, the Name and Designation of the Debtor, the Place and County of his Residence, Dwelling House, or Place of Business, and the Name and Designation of the petitioning or concurring Creditor, the Date of awarding or recalling Sequestration, the Date of Transmission to the Sheriff (if it has not been awarded by him), the Time and Place appointed for the Election of the Trustee and Commissioners, the Name and Designation of the Trustee and Commissioners, and the Time for lodging Claims in order to obtain Payment of the First Dividend, the Bankrupt's Discharge on Composition or otherwise, and the Trustee's Discharge, for which Purpose the Clerks of the Bill Chamber and the Sheriff Clerk of each County shall transmit forthwith to the Accountant a certified Copy of the First Deliverance in Sequestrations awarded in the Court of Session and Sheriff Courts respectively, and the Sheriff Clerk of each County shall every Six Months transmit to the Accountant the Particulars necessary to enable him to make such Entries, and the Trustee shall be bound when required to furnish such Particulars to the Sheriff Clerk.

Trustee to make an annual Return to Sheriff Clerk, and the Sheriff Clerk to the Accountant.

CLVIII. Each Trustee shall, within Fourteen Days after the Thirty-first Day of *October* in each Year, or on the first lawful Day after Expiry of the said Fourteen Days, deliver, free of Expense, to the Sheriff Clerk of the County, a Return in the Form of the Schedule (H.) hereunto annexed, of every Sequestration in which he is Trustee; and the Sheriff Clerk shall, within Fourteen Days thereafter, transmit, in the Form of the said Schedule, to the Accountant, a Return of all the Sequestrations depending in the Sheriffdom whereof he is Clerk; and the Accountant shall cause the Returns so made to be regularly bound up and preserved, according to the alphabetical Order of Counties, in a Volume to be kept at all Times in his Office, with an Index thereto, framed by him, and which Volume shall be patent to all concerned; and any Trustee who shall fail to make such Return shall be removable from his Office at the Instance of any One Creditor, or of the Accountant, or subject to such Censure as the Lord Ordinary may think suitable, and be found liable in Expenses.

Accountant in Bankruptcy to take cognizance of the Con-

CLIX. The Accountant shall take cognizance of the Conduct of all Trustees and Commissioners in Sequestrations awarded after the passing of this Act, or in which any Proceedings shall have been had within Five Years thereof; and in the event of their not faithfully performing their Duties, and duly observing all Rules and Regulations imposed on them by Statute, Act of Sederunt, or otherwise relative to the Performance of those Duties, or in the event of any Complaint being made to him by any Creditor in regard thereto, he shall inquire into the same, and if not satisfied with the Explanation given he shall report thereon to the Lord Ordinary in Time of Vacation, or during Time of Session, to either Division of the Court of Session, who, after hearing such Trustees or Commissioners thereon, and investigating the whole Matter, shall decide, and shall have Power to censure such Trustees or Commissioners, or remove them from their Office, or otherwise to deal with them as the Justice of the Case may require.

duct of Trustees and Commissioners;

CLX. The Accountant shall superintend the annual Returns required by this Act from Trustees, and frame an annual Report to the Court of Session showing the State of each depending Sequestration returned to him, which Report may be published in the Gazette, or otherwise as the Court shall direct; and the Accountant shall have Power, on the Application of One or more of the Creditors, or of his own Accord, to require Exhibition of the Sederunt Book in any Sequestration, and of any Vouchers or Documents which he may think necessary, and to direct that a Meeting of the Creditors shall be called to take any Measures under Consideration which he may judge requisite for the Preservation or due Management of the Estate or more speedy realizing and Division of the Funds or winding up of the Estate.

To superintend annual Returns;

CLXI. The Accountant shall at all Times, when requisite, report to the Lord Ordinary or either Division of the Court any Disobedience by the Trustee or Commissioners of any Requisition or Order by him, and generally any Matter which he may deem it necessary for the due Discharge of his Office to bring before the Lord Ordinary or the Court, and it shall be competent for the Lord Ordinary or the Court to deal summarily with the Matter reported, as accords of Law.

To report Disobedience;

CLXII. If the Accountant shall possess Information that shall lead him, on reasonable Grounds, to suspect fraudulent Conduct by the Bankrupt, or Malversation or Misconduct on the Part of the Trustee or Commissioners, such as may infer Punishment, he shall be entitled to give Information to Her Majesty's Advocate, who shall direct such Inquiry and take such Proceedings therein as he shall think proper.

To give Information to Lord Advocate.

CLXIII. In case of the Illness or temporary Absence of the Accountant, the Lord President of the Court of Session may authorize any One of the Accountant's Clerks or other qualified Person to discharge the Duties of the Office for the Time.

In case of Illness, &c. of Accountant, Lord President to appoint a Deputy.

Judicial Power for winding up the Estates of Parties deceased.

Application for Judicial Factor on Estates of Persons deceased.

CLXIV. It shall be competent to One or more Creditors of Parties deceased to the Amount of One hundred Pounds, or to Persons having an Interest in the Succession of such Parties, in the event of the Deceased having left no Settlement appointing Trustees or other Parties having Power to manage his Estate or Part thereof, or in the event of such Parties not accepting or acting, to apply by summary Petition to either Division of the Court for the Appointment of a Judicial Factor, and, after such Intimation of the Petition to the Creditors of the Deceased, and other Persons interested, as may be considered necessary, and after hearing Parties, the Court may appoint such Factor, subject to such Conditions as to Caution, and such other Conditions as the Court may provide by Act of Sederunt; and such Factor shall manage the Estate, recover Debts due to it, realize the Moveable Effects by Public or Private Sale, as may be most expedient, dispose of the Heritable Estate by Public Sale or Private Bargain, according to such Directions as the Court, on Report of the Accountant, may give, and shall apply the free Proceeds, after defraying all Expenses in Payment of the Claims of Creditors according to their several Rights and Preferences, conformably to a State of Funds and Scheme of Division to be prepared by him, and considered and approved of by the Court, on a Report by the Accountant; and thereafter the Factor shall account for the Residue, if any, after Payment of Debts and Expenses, to the Parties having a Right to the Deceased's Succession: Provided that the Accountant shall annually examine and audit the Proceedings, Intromissions, and Accounts of such Factor, which shall be duly transmitted for that Purpose, and report to the Court thereon, from Time to Time, as he may deem expedient, and shall generally exercise the like Powers and discharge the same Duties with regard to him as he is empowered and required to exercise and discharge with regard to a Trustee under a Sequestration, but subject always to the Control of the Lord Ordinary or the Court.

Judicial Factor's Duties to be regulated by Act of Sederunt.

CLXV. The Court shall have full Power to regulate by Act of Sederunt the Caution to be found by such Factor, the Mode in which he shall proceed in realizing and dividing the Funds, and otherwise in the Discharge of his Duties, and any other Matter which they may deem necessary.

Application of Trustees on Estate of deceased

CLXVI. If a Party deceased has left a Settlement, appointing Trustees or other Parties having Power to manage his Estate as aforesaid, it shall nevertheless be competent for the Trustees under the Settlement, with or without Concurrence of the Creditors of the Deceased and of the Persons interested in his Succession, to apply in like Manner to the Court, and obtain from them an Order on the Accountant to superintend the Administration of the Estate, in which Case he shall exercise the like Powers and discharge the like Duties, under the Control of the Lord Ordinary or the Court, which have been provided for in the preceding Sections.

Parties for Supervision of Accountant.

Process of Cessio Bonorum.

Cessio Bonorum.

CLXVII. Any Trustee or Trustees to whom the Pursuer of a Cessio shall grant a Conveyance of his Estate and Effects for behoof of his Creditors shall act under the Supervision and Control of the Accountant in like Manner as the Trustee under a Sequestration, and the Accountant shall exercise the like Powers and perform the like Duties as in that Case, but always under the Directions of the Court, for which Purpose it shall be the Duty of every such Trustee, or, failing him, of the Clerk to any such Process in the Court of Session, or of the Clerk of the Sheriff Court in which the Cessio has been granted, to transmit a Note of the same, and Residence of such Trustee, to the Accountant, and the Accountant shall prepare a List of such Processes, and shall require from such Trustees at the End of each Year Accounts of their Intromissions, and report on the same annually to either Division of the Court, and he shall also bring before the Court any Instance of Malversation or Irregularity in such Trustees, whereupon the Court shall be entitled to inflict on them such Censure or Punishment as it may deem just.

When Creditors may resolve that Bankrupt is only entitled to Decree of Cessio.

CLXVIII. It shall be competent for a Majority in Number and Value of the Creditors at any Meeting called for the Purpose after the Election of the Trustee, if it shall appear to them that the Estate is not likely to yield free Funds for Division among the ordinary Creditors, after Payment of preferable Debts and Expenses, beyond One hundred Pounds, to resolve that the Bankrupt shall only be entitled to apply for and obtain a Decree of Cessio, and shall have no Right to a Discharge in the Sequestration; and, on such Resolution being passed, it shall be the Duty of the Trustee, after giving Eight Days previous Notice to the Bankrupt, to report such Resolution to the Lord Ordinary or the Sheriff, who shall hear Parties, if required, and decide with reference to the whole Circumstances of the Case, with or without a Report from the Accountant, whether such Resolution shall be confirmed or recalled; and if such Resolution shall be confirmed, the Bankrupt shall have no Right to a Discharge in the Sequestration, but shall be entitled to apply for a Decree of Cessio, and the

Court shall have Power to grant such Decree in the Sequestration, without requiring the Bankrupt to bring a separate Process, and in all other respects the Sequestration shall be proceeded with in common Form.

Judicial Proceedings.

Appeals, &c. against Resolutions of Creditors and Deliverances of Trustee to the Lord Ordinary or Sheriff.

CLXIX. It shall be competent to appeal against the Resolutions of the Creditors at Meetings either to the Lord Ordinary or the Sheriff, provided a Note of Appeal shall be lodged with and marked by One of the Clerks of the Bill Chamber within Fourteen Days after the Date of the Meeting at which the Resolution objected to has been passed, or (as the Case may be) in the Hands of and marked by the Sheriff Clerk within the like Period; and it shall in like Manner be competent to appeal against any Deliverance of the Trustee or Commissioners to the Lord Ordinary or the Sheriff, provided the Note of Appeal shall be lodged and marked as aforesaid within Fourteen Days from the Date of the Deliverance; and where any such Appeal is made, or where any Petition or Complaint is presented against the Trustee or Commissioners, or against any of the Creditors, the Lord Ordinary or the Sheriff (as the Case may be) shall appoint a Copy thereof, and of his Deliverance thereon, to be served on the Respondent, or his Mandatory or known Agent, and appoint the Respondent to appear at a specified Diet within such Period as may be reasonable; and the Lord Ordinary or the Sheriff (as the Case may be) shall at such Diet hear Parties *vivâ voce*, and the Lord Ordinary shall proceed to dispose of the Case, with or without a Record, as he shall consider best; and the Sheriff, without a Record, may decide, provided he shall specify the Facts, and assign the Grounds of his Judgment; but if he shall see Cause he may order Minutes to be lodged by the Parties, containing their Averments in Fact and Pleas in Law, without Argument, and may hold the same as a closed Record, and proceed in a summary Way, and in pronouncing his Judgment he shall assign his Reasons; and it shall be competent to the Lord Ordinary or the Sheriff, if they shall think fit, where any Resolution of a Meeting of the Creditors is appealed against, to order a new Meeting to be held, in order to reconsider the Resolution.

Review of Sheriff's Judgments.

CLXX. It shall be competent to bring under the Review of the Inner House of the Court of Session, or before the Lord Ordinary in Time of Vacation, any Deliverance of the Sheriff, after the Sequestration has been awarded (except where the same is declared not to be subject to Review), provided a Note of Appeal be lodged with and marked by the Sheriff Clerk, within Eight Days from the Date of such Deliverance, failing which the same shall be final; and such Note, together with the Process, shall forthwith be transmitted by the Sheriff Clerk to the Clerk of the Bill Chamber; and the Lord Ordinary's Decision shall, when not expressly made final by this Act, be subject to Review of the Inner House; and it shall be competent to the Inner House or the Lord Ordinary to remit to the Sheriff, with Instructions.

Review of Lord Ordinary's Judgments.

CLXXI. Where any Judgment of the Lord Ordinary is to be brought under Review of the Inner House, the same shall be done by a Reclaiming Note in common Form presented within Fourteen Days from the Date of the Judgment; and such Reclaiming Note shall be disposed of by the Inner House as speedily as the Forms of Court will allow.

Regulation by Sheriff of Interim Possession.

CLXXII. During the Dependence of Appeals or Petitions and Complaints it shall be competent to the Sheriff to give such Orders as may be necessary to regulate the Interim Possession and Administration of the Estate.

Appeals to House of Lords.

CLXXIII. If any Appeal shall be made to the House of Lords, the Sequestration shall, in all respects not inconsistent with or injurious to the Interests which may be affected by the Appeal, proceed without Interruption, and the Lord Ordinary shall make such Orders as may be necessary to regulate the Interim Possession and Management of the Estate, and which Orders shall not be subject to Appeal.

Deliverances, Extracts, and Copies shall form Evidence.

CLXXIV. All Deliverances under this Act purporting to be signed by the Lord Ordinary or by any of the Judges of the Court of Session, or by the Sheriff, as well as all Extracts or Copies thereof or from the Books of the Court of Session or the Sheriff Court purporting to be signed or certified by any Clerk of Court, or Extracts from or Copies of Registers purporting to be made by the Keeper thereof, or Extractor, shall be judicially noticed by all Courts and Judges in *England*, *Ireland*, and Her Majesty's other Dominions, and shall be received as *primâ facie* Evidence, without the Necessity of proving their Authenticity or Correctness, or the Signatures appended, or the official Character of the Persons signing, and shall be sufficient Warrants for all Diligence and Execution by Law competent.

Deliverances, &c. may be printed.

Service of Citations.

CLXXV. All Deliverances, Bonds, Schedules, and Executions under this Act may be either printed or in Writing, or partly both; and Service or Citation may be made by a competent Officer without Witnesses.

CLXXVI. The Trustee may, with Consent of the Commissioners, Trustee and Commissioners may compound and transact.

missioners, compound and transact or refer to Arbitration any Questions which may arise in the course of the Sequestration regarding the Estate, or any Demand or Claim made thereon, and the Compromise, Transaction, or Decree Arbitral shall be binding on the Creditors and the Bankrupt.

Agents in Court of Session may be Agents in Causes under this Act before Sheriff.

CLXXVII. It shall be lawful for all Agents duly qualified to practise before the Court of Session to practise in all Sheriff Courts, in so far as relates to any of the Proceedings authorized by this Act to be carried on before the Sheriff; provided that they shall not be entitled to payment of any higher Fees than those legally exigible in such Courts.

Miscellaneous Provisions.

Punishment of wilful Falsehood.

CLXXVIII. If any Person shall be guilty of wilful Falsehood in any Oath made in pursuance of this Act, he shall be liable to a Prosecution, either at the Instance of Her Majesty's Advocate, or at the Instance of the Trustee, with the Concurrence of Her Majesty's Advocate: provided that, in the latter Case, the Prosecution shall be authorized by a Majority of the Creditors present at a Meeting to be called for the Purpose; and such Person shall, on Conviction, besides the awarded Punishment, forfeit to the Trustee, for behoof of the Creditors, his whole Right, Claim, and Interest in or upon the Sequestrated Estate, and the same shall be distributed, either under the Sequestration, or, if it be closed, under a Process of Multiplepoinding, as is herein-before provided.

Trustee may be authorized to receive and open Post Letters.

CLXXIX. The Lord Ordinary or Sheriff, on Cause shown, may order that for a period not exceeding Three Months from the Date of the Order all Letters addressed to the Bankrupt shall be delivered by the Postmaster-General, or the Officers acting under him, to the Sheriff Clerk or Trustee, to be opened in Presence of the Sheriff, after written Notice to the Bankrupt to attend, if within *Scotland;* and in case the Letters shall relate in whole or in part to the Estate, they shall be placed in such Custody as the Sheriff may direct; and the Lord Ordinary or Sheriff may, on Cause shown, renew such Order for a like Period as often as shall be necessary.

Fees payable.

CLXXX. The Fees which are set forth in the Schedule (I.) hereunto annexed shall be payable on the Proceedings specified, and shall form a Fund, which shall be applied in the Payment of the Salaries and Expenses of Officers in the Court in which the same are payable, and any Surplus which shall at any Time arise shall be paid as the Commissioners of Her Majesty's Treasury shall direct.

CLXXXI. The Bill Chamber Clerks are hereby prohibited from charging or receiving any Fees, except for Copies of Interlocutors or other Papers ordered or required, for which an Allowance shall be paid at the Rate of Sixpence for each Page of One hundred and fifty words without any farther Charge for Stationery.

Fees payable to the Bill Chamber Clerks.

CLXXXII. From and after the Commencement of this Act the Keeper of the Gazette shall on each day of Publication furnish a Copy thereof to the Keeper of Edictal Citations and to the Bill Chamber Clerks, and to the Accountant, who shall keep the same regularly filed, and make the said Gazettes on all Occasions patent to the Lieges at Office Hours, on Payment of a Fee of Sixpence and no more.

Gazette Keeper to furnish Copies of Gazette.

CLXXXIII. No Advertisement inserted in the *London Gazette* or in the *Edinburgh Gazette*, by virtue of this Act, or the Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-six, shall be charged by the Keepers of the said Gazettes for Publication therein at a higher Price, nor shall a higher Price be paid for such Publication, than the Sums specified in the Schedule (K.) hereunto annexed.

Charges on Advertisements under this Act.

CLXXXIV. From and after the Commencement of this Act, all Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds relating solely to the Estate belonging to any Bankrupt against whom Sequestration has been or may be awarded, either under this or any former Act, and which Estate, after the Execution of such Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds, shall be and remain the Property of such Bankrupt, for the Benefit of his Creditors, or the Trustees appointed or chosen under or by virtue of such Sequestration, and all Discharges to such Bankrupt, and all Deeds, Assignations, Instruments, or Writings for reinvesting such Bankrupt in the Estate, and all Powers of Attorney, Commissions, Factories, Oaths, Affidavits, Articles of Roup or Sale, Submissions, Decrees Arbitral, and all other Instruments and Writings whatsoever, relating solely to the Estate of such Bankrupt, and all other Deeds or Writings forming a Part of the Proceedings ordered under such Sequestration, shall be exempt from all Stamp Duties or other Government Duty.

Conveyances, Deeds, &c. relating to Estates of Bankrupts, not liable to Stamp or other Duties.

CLXXXV. It shall be lawful for the Judges of the Court of Session, either during Session or Vacation, by an Act or Acts of Sederunt, from Time to Time to apportion the Duties to

Power to Court of Session, by Acts of

Sederunt, to apportion Duties, and regulate Procedure in relation to this Act.

to be performed by the Officers in the Bill Chamber, or in the said Court, or in the Sheriff Courts, and to regulate Procedure in relation to this Act, in so far as consistent therewith, and to establish a Table of Fees to be allowed to Agents, both in the Court of Session and Sheriff Courts, for conducting the Proceedings, and to amend or alter such Act or Acts from Time to Time; and such Act or Acts of Sederunt shall within One Month after the making thereof be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

No. 1.

Abbreviate for the Register of Inhibitions.

PETITION for Sequestration of *A.B.* [*Name and Designation.*]
Date of First Deliverance Day of .
(Signed) *C.D.* [*If an Agent, state so.*]

No. 2.

Certificate by the Keeper.

THIS Abbreviate was presented by [*or* received by Post from] [*name and design the Presenter or Party transmitting by Post*] and recorded on [*Date*] in the Register of Inhibitions at Edinburgh. (Signed) *E.F.*, Keeper.

No. 3.

Abbreviate.

PETITION for transferring, in Terms of the "Bankruptcy (Scotland) Act, 1856," from *A.B.* [*Name and Designation*], as Heir of *C.D.* [*Name and Designation*], the Estates of *C.D.*,
Date of Deliverance Day of .
(Signed) *G.H.* [*If an Agent, state so.*]

SCHEDULE (B.)

Notice to the Gazettes.

THE Estates of *A.B.* [*Name and Designation*] were sequestrated on [*Date, Month, and Year*] by the [Court of Session *or* Sheriff of].

The First Deliverance is dated the [*Date*].

The Meeting to elect the Trustee and Commissioners is to be held at [*Hour*] o'Clock on the [*Day of the Week*] the [*Date, Month, and Year*], within [*specify particular Place*] in [*Town*]. A Composition may be offered at this latter Meeting; and to entitle Creditors to the First Dividend their Oaths and Grounds of Debt must be lodged on or before the [*insert Date*].

All future Advertisements relating to this Sequestration will be published in the Edinburgh Gazette alone.

(Signed) *P.Q.*, Agent [*specify Place of Business*].

SCHEDULE (C.)

Form of Bond of Caution for Trustee.

I *A.B.* [*Name and Designation*], having been appointed Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*], and I *E.F.* [*Designation*] as Cautioner, Surety, and full Debtor for and with the said *A.B.*, hereby bind and oblige ourselves, conjunctly and severally, our Heirs and Executors, That I the said *A.B.* shall faithfully discharge all the Duties which by Law attach to the said Office of Trustee, and fully account for my whole Intromissions with the said Estate, and make Payment of any Balance due by me to the Creditors on the said Estate, or Trustee elected by them to succeed me; declaring that this Bond shall not be in any way affected, nor shall I the said *E.F.* be liberated, by any Omission, Negligence, or Want of Diligence on the Part of the Creditors or Commissioners on the said Estate. [*In case the Caution has been limited by the Creditors, the following Clause will be here inserted:* And declaring further, that this Bond, so far as concerns me the said *E.F.*, shall not bind me or my foresaids to a greater Extent than the Sum of [*here insert Sum in Writing*], to which my Obligation before written is hereby limited.] In witness whereof this Bond [*so far as not printed*], written and filled up by [*here shall be inserted in Writing a testing Clause in legal Form*].

(Signed) *A.B.*
E.F.

O.T., Witness.
L.F., Witness.

SCHEDULE (D.)

Act and Warrant of Confirmation of the Trustee.

[*Place and Date.*]

The Sheriff of the County of [*insert County*] has confirmed and hereby confirms *A.B.* [*Name and Designation*] Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*]; and the whole of the Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of the said *C.D.*, are transferred and belong to *A.B.* as Trustee for Behoof of the Creditors of the said *C.D.*, in Terms of the "Bankruptcy (Scotland) Act, 1856;" and the said *A.B.* has, as Trustee aforesaid, in Terms of the said Act, full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said *C.D.*

(Signed) *C.D.*, Sheriff Clerk.

SCHEDULE (E.)

No. 1.

Abbreviate for the Register of Adjudications.

THE whole Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of *A.B.* [*Name and Designation*], are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on his sequestrated Estate, conform to Act and Warrant of Confirmation dated the Day of , issued in Terms of the "Bankruptcy (Scotland) Act, 1856." [*Signed by the Trustee or his Agent.*]

No. 2.

Certificate by the Keeper.

THIS Abbreviate was presented by [*Name and Designation*] and recorded on [*Date*] in the Register of Abbreviates of Adjudications. (Signed) *E.F.*, Keeper.

No. 3.

Abbreviate of Adjudication.

THE Estates vested in *A.B.* [*Name and Designation*] as Heir of *C.D.* [*Name and Designation*] are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on the sequestrated Estate of the said *C.D.*, conform to Deliverance by the Lord Ordinary, dated the Day of and in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

SCHEDULE (F.)

For the Gazette.

Sequestration of *C.D.* [*Designation*].

A.B. [*Name and Designation*], has been elected Trustee on the Estate, and *E.F.* and *G.* [*Names and Designations*], have been elected Commissioners. The Examination of the Bankrupt will take place in the Sheriff Court House [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next, at [*Hour*]. The Creditors will meet in [*specify the Place, Day, Date, Month, and Hour*] o'Clock. [*If any Offer of Composition has been entertained at the Meeting for Election of Trustee, intimate this, as provided by the Act.*]

[*Signed by the Trustee.*]

[*Date.*]

SCHE-

SCHEDULE (G.)

REGISTER OF SEQUESTRATIONS.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of Petitioning or Concurring Creditor.	Whether Sequestration awarded by Sheriff (*state the County*) or by Court of Session.	Division of the Court, if by Court of Session.	To what Sheriff Remitted.	Date of First Deliverance.	Date of awarding. (If recalled, Entry to be in this Column.)	Date of Transmission to Sheriff, and of Receipt by Sheriff Clerk.	Time and Place for electing Trustee.	Trustee's Name and Designation.	Commissioners Names and Designation.	Time for lodging Claims for Dividend.	Date of Bankrupt's Discharge.	Bankrupt's Discharge on or without Composition.	Date of Trustee's Discharge.

SCHEDULE (H.)

ANNUAL RETURN by each TRUSTEE within Fourteen Days after the Thirty-first Day of October, and by each SHERIFF CLERK within Fourteen Days thereafter.

Name and Designation of Bankrupt.	County and Place	By whom Sequestration awarded.	Name and Designation of Trustee.	Names and Designation of Commissioners.	Amount of Funds as in the Bankrupt's State.	Amount of Funds realized.	Amount of Debts.	Allowance to Bankrupt.	Discharge on Composition or without Composition.	Amount of Composition, and when payable, and Names and Designation of Cautioners.	Dividend,—Amount paid or unpaid.	AMOUNT OF EXPENSES.		
												Trustees Commission.	Law Expenses	Miscellaneous.

Signed by Trustee
and by
Sheriff Clerk.

SCHEDULE (I.)

Table of Fees payable under this Act.

I.—IN THE COURT OF SESSION.

(1.) To the Collector of the Fee Fund:

	£	s.	d.
Original Petitions for Sequestration, or any other Writ or Step by which a Process of Sequestration is originated - - - - -	0	10	0
All other Papers, being Steps of Procedure, and not Productions, each - - - -	0	2	6

(2.) To the Keeper of the General Minute Book:

	£	s.	d.
For entering the First Deliverance, and Deliverance awarding Sequestration, Adjudication, and Discharge, and Approval of Composition, each	0	2	6
For entering any other Deliverance or Intimation, - - - - - - - -	0	1	0

(3.) To the Extractors:

	£	s.	d.
For every Extract made of the Proceedings or of the Deliverance of the Lord Ordinary or Inner House, per Sheet - - - - - -	0	1	0

II.—TO THE KEEPERS OF THE RECORDS.

	£	s.	d.
For entering any Schedule - - - -	0	1	0
For entering on the Margin of any Record the Recal of Sequestration, or Discharge in favour of the Bankrupt - - - - - -	0	1	0
For Access to and Liberty to make Excerpts of Proceedings under this Act from any Register or Record appointed herein to be kept, or in which Entries are herein appointed to be made, a Fee of One Shilling for each Year of the Record inspected, but not exceeding in all for any one Record - - - - - - -	0	10	0
For Extracts or certified Copies therefrom, per Sheet, - - - - - - - -	0	1	0
For collating and certifying Extracts therefrom, per Sheet, - - - - - - - -	0	0	6

III.—SHERIFF

III.—SHERIFF COURT.

(1.) To the Sheriff Clerk :

	£	s.	d.
On every Deliverance pronounced by the Sheriff, awarding Sequestration, declaring the Election of a Trustee, appointing Diets of Examination, granting a Discharge to the Bankrupt, approving of Composition, or exonerating the Trustee, - - - - - - - -	0	2	6
For every other Deliverance, not being merely an Order for Papers or Revisals, - - -	0	1	0
For every Transmission to or by him of the Proceedings - - - - - - -	0	1	0
For entering the First Deliverance, and the Deliverance awarding Sequestration, in the Register, each (if separate) - - - -	0	0	6
For entering the Name and Designation of the Trustee and Commissioners in the Register -	0	0	6
For issuing, receiving back, and examining Bond of Caution for Trustee, to be paid at the issuing of Bond - - - - - - -	0	2	6
For Oath of the Bankrupt, and Examinations of him or others, per Sheet, - - - - -	0	1	0
For every Warrant of Apprehension or Citation of the Bankrupt or others, or Commission to take Examination - - - - - -	0	2	6
For every certified Copy or Extract of the Proceedings before the Sheriff, or of any Deliverance pronounced by him, per Sheet - -	0	1	0
For every annual Report of the depending Sequestrations, for each Sequestration, to be paid by the Trustee - - - - - -	0	0	6
For every borrowing of all or any Part of the Proceedings - - - - - - -	0	0	6

(2.) To the Sheriff:

	£	s.	d.
Attending any Meeting of Creditors or Examination, for each such Meeting or Diet of Examination, not being on the same Day - -	1	1	0

SCHEDULE (K.)

Table of Prices payable for Advertisements in the London or Edinburgh Gazette.

	£	s.	d.
For Six Lines and under - - - -	0	6	0

For

	£	s.	d.
For more than Six Lines and not exceeding Ten Lines - - - - - - - -	0	7	6
For more than Ten Lines and not exceeding Fifteen Lines - - - - - - -	0	10	6
For more than Fifteen Lines and not exceeding Twenty Lines - - - - - -	0	14	6
For more than Twenty Lines and not exceeding Twenty-five Lines - - - - -	0	17	6
For more than Twenty-five Lines and not more than Thirty Lines - - - - -	1	0	6

CAP. LXXX.

An Act to grant Relief in assessing the Income Tax on Lands in Scotland *in respect of certain Public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Land, Assessed, and Income Taxes, and the Redemption and Purchase of the Land Tax.*—[29*th* July 1856.]

WHEREAS it is expedient to grant Relief in assessing the Income Tax on Lands in *Scotland* in respect of certain Public Burdens charged thereon, and to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax, and also to amend the Laws relating to the Redemption and Purchase of the Land Tax: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Relief from Income Tax to Landlords in Scotland in respect of Public Burdens not paid by Landlords in England.

I. Whereas the Rules contained in the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Thirty-five, for estimating the annual Value of Properties described in Schedules (A.) and (B.) of the Acts relating to the Income Tax, in order to the assessing and charging of the same under the said Acts, direct that where any Landlord shall be subject to any Covenant or Agreement to pay or satisfy out of the Rent reserved Parochial Rates, Taxes, and Assessments which by Law are a Charge on the Occupiers of Lands, the annual

Value of such Lands shall be estimated for the Purpose aforesaid, exclusive of such Rates, Taxes, and Assessments: And whereas certain Public Rates and Taxes which in *England* are by Law a Charge on the Occupiers of Lands are in *Scotland* charged on the Landlords, and other Public Burdens, the like whereof do not exist in *England*, are also charged on the Landlords in *Scotland;* and it is expedient to afford Relief to Landlords in *Scotland* with respect to the Charge of the Income Tax upon them in regard to all such Cases as aforesaid: Be it enacted, That where it shall be made to appear to the Satisfaction of the Commissioners of Inland Revenue that the Landlord of Lands in *Scotland* is by Law charged with any Public Rates, Taxes, or Assessments which in *England* are by Law a Charge on the Occupiers of Lands, or that such Landlord is by Law charged with any Public Rates or Taxes or other Public Burdens the like whereof are not chargeable on Lands in *England*, the said Commissioners shall cause such Relief to be given to the said Landlords in *Scotland* as shall be just and reasonable in regard to the Charge of the Income Tax on them in respect of an annual Value exceeding by the Amount of such Rates, Taxes, Assessments, and Public Burdens the Charge of the said Tax on Landlords in *England*, and such Relief shall be given either by Abatement from the Assessment, or by Repayment of the Tax, and under such Rules, Regulations, and Directions as the said Commissioners shall think fit to make or give in that Behalf.

Allowances to Clerks to Income Tax Commissioners under recited Acts repealed, and other Allowances granted in lieu thereof.

II. And whereas by Section One hundred and eighty-three of the said recited Act certain Allowances were directed to be granted to the Clerks of the respective Commissioners of Income Tax for the due Performance by the said Clerks of the Duties of their Offices respectively, and by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Section Fifty-seven, certain other Allowances were directed to be granted to the said Clerks in lieu of the said former Allowances: Be it enacted, That the said Allowances directed to be granted by the said recited Acts or either of them to the Clerks of the respective Commissioners of Income Tax shall be and the same are hereby repealed as to all Assessments made or to be made for any Year commencing from or after the Fifth Day of *April* One thousand eight hundred and fifty-six, and in lieu thereof there shall be granted the following Allowances; (that is to say,) the Clerk of the respective Commissioners who shall duly perform the Duties of his Office within the respective Times limited by Law in that Behalf, and shall have borne and sustained the incidental Expenses mentioned in the said first-recited Act, shall, by

Warrant under the Hands of the said Commissioners, have and receive from the respective Officers for Receipt Twopence in the Pound on so much of the net Amount of the Sums assessed and charged in the Duplicates of Assessment for any Year commencing as aforesaid, after all Appeals heard and determined, and all just Reductions, Abatements, and Discharges made from such Assessments and Duplicates respectively, as will give to such Clerk an Allowance not exceeding Five hundred Pounds for any one Year, and at the Rate of One Penny in the Pound on the Remainder (if any) of the said net Amount: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, in any Case in which they shall see fit, to cause such further Allowance to be made to any such Clerk as aforesaid of any Sum not exceeding One Penny in the Pound on the Amount of such Part of the gross Assessment as shall have been discharged on Occasion of Claims for Exemption or Abatement made or allowed on the Ground of Income being below One hundred and fifty Pounds and One hundred Pounds a Year respectively as the said last-mentioned Commissioners shall, on Consideration of the Extent and Population of the District, and the Number of such Claims, think proper to direct; and the Certificate of the Commissioners of Inland Revenue shall be an Authority to the Officers for Receipt respectively to pay such further Allowance as last mentioned.

Section 2. of 16 & 17 Vict. c. 117. relating to Redemption of Land Tax repealed.

III. And whereas by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter One hundred and seventeen, Section Two, it is enacted, That upon the Completion of any Contract entered into after the passing of the said last-mentioned Act for the Redemption of Land Tax, and upon the Transfer or Payment of the Consideration for the same, the Messuages, Lands, Tenements, or Hereditaments comprised in such Contract shall be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, and from any yearly Term, Rent, or Rentcharge in respect of any Consideration for such Contract: Be it enacted, That the said last-recited Enactment so far as regards any such Contract as aforesaid to be entered into at any Time after the passing of this Act, shall be and the same is hereby repealed.

Parishes or Places may be united for the more convenient Execution of the Acts

IV. And for the more convenient Execution of the Acts relating respectively to the Land Tax, the Assessed Taxes, and the Income Tax, be it enacted, That it shall be lawful for the Commissioners acting in the Execution of the Acts relating to the Land Tax for any Division, at any Meeting of such Commissioners convened for that Purpose, if and as they shall see fit (subject as herein provided), to unite any Two or more Parishes, Townships, Tithings, Hamlets, or Places, (extra parochial or otherwise), for the Purpose of the more convenient Execution of the said several Acts relating to the said Taxes respectively, and to certify such Union to the Commissioners of Inland Revenue, for the Approbation of the Commissioners of Her Majesty's Treasury; and if the said last-mentioned Commissioners shall approve of such Union, such Approbation shall be certified by the Commissioners of Inland Revenue to the respective Commissioners acting in the Execution of the several Acts relating to the several Taxes aforesaid respectively; and thereupon, and from and after such Time as shall be fixed by such last-mentioned Certificate, such united Parishes, Townships, Tithings, Hamlets, or Places shall, for all the Purposes of the said several Acts and Taxes respectively, be considered as One Parish or Place only, and the said respective Commissioners shall execute the said Acts with respect to such united Parishes, Townships, Tithings, Hamlets, or Places as if the same were One Parish or Place only: Provided always, that nothing herein contained shall extend to authorize any Alteration of the Quota of Land Tax now chargeable by Law on any Parish or Place.

relating to the Land Tax, &c.

CAP. LXXXI.

An Act to reduce the Stamp Duties on Certain Instruments of Proxy; to amend the Laws relating to the stamping of Articles of Clerkship to Attorneys and others; and to exempt from Stamp Duty Admissions to the Freedom of the City of London *by Redemption.*—[29*th* July 1856.]

Repealed by 33 & 34 Vict. c. 99.

CAP. LXXXII.

An Act to repeal and reimpose under new Regulations the Duty on Race-horses.—[29*th* July 1856.]

Repealed in part, 20 Vict. c. 16. s. 7.

WHEREAS by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Ninety, the annual Duty of Three Pounds Seventeen Shillings is chargeable under the Rules and Regulations relating to the Assessed Taxes for every Horse kept or used for the Purpose of racing, or running for any Plate, Prize, or Sum of Money or other

16 & 17 Vict. c. 90.

other Thing, or kept in training for any of the said Purposes: And whereas it is expedient to repeal the said Duty, and in lieu thereof to impose a Duty on Race-horses in the Manner and under the Regulations herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Present Duty payable on Race-horses repealed.

I. From and after the Fifth Day of *April* One thousand eight hundred and fifty-seven, the said Duty of Three Pounds Seventeen Shillings so chargeable as aforesaid under or by virtue of the said recited Act shall cease and determine, save and except as to any Arrears thereof, and as to any Penalty incurred in relation to the said Duty.

New Duty on Race-horses imposed in lieu of that repealed.

II. In lieu of the said Duty hereby repealed, there shall be charged and paid, for the Use of Her Majesty, Her Heirs and Successors, for every Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing, the Sum of Three Pounds Seventeen Shillings as the Duty for such Horse for One Year ending on the Fifth Day of *April* next after the Day on which such Horse shall so start or run.

Duty imposed to be deemed an Excise Duty, and all Powers and Provisions of Excise Acts to be applied thereto.

III. The said Duty by this Act imposed shall be deemed to be a Duty of Excise, and all Powers, Provisions, Regulations, and Penalties contained in or enacted by any Act in force for securing Duties of Excise, or otherwise in relation thereto, shall, in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for charging, levying, collecting, and securing the said Duty hereby imposed, and otherwise relating thereto, as fully and effectually as if the same Powers, Provisions, Regulations, and Penalties were herein particularly repeated and re-enacted with reference to the said last-mentioned Duty.

Duty to be paid to the Clerk of the Course previously to the starting of the Race-horse.

IV. The said Duty by this Act imposed shall be paid into the Hands of the Clerk of the Course, by or on behalf of the Owner of the Horse, previously to the starting or running of such Horse at any Race, and the said Clerk of the Course shall give a Receipt for such Duty in such Form and with such Particulars as herein-after mentioned, and the Production of such Receipt at any future Race during the Year ending as aforesaid shall free the Owner for the Time being of the Horse named in such Receipt from any further Payment of the said Duty in respect of the said Horse for the same Year; and if the Owner of any such Horse shall neglect or refuse to pay the said Duty to the Clerk of the Course previously to the starting or running of such Horse at any Race, and shall not, previously to

Penalty on Owner refusing to pay the Duty, and to such starting or running, produce and show to such Clerk of the Course a proper Receipt for the said Duty previously paid in respect of the same Horse in the same Year, such Owner shall for every such Neglect or Refusal forfeit the Sum of Fifty Pounds.

not producing Receipt for previous Payment.

V. Every Clerk of the Course shall, previously to the starting of any Horse at any Race, demand of the Owner or other Person having the Care or Control of such Horse the said Duty by this Act imposed, or the Production of a proper Receipt for the said Duty, if the same shall have been paid for the same Horse at any former Race within the same Year ending as aforesaid; and unless the said Duty shall be paid to the said Clerk of the Course, or such Receipt as aforesaid be produced to him, he shall not allow such Horse to start or run at any Race.

Clerk of the Course to demand the Duty previously to the starting of any Race-horse.

VI. The Commissioners of Inland Revenue shall provide Books of printed Forms of Receipts, with Counterfoils, for the said Duty imposed by this Act, and such Forms of Receipts and Counterfoils respectively shall be adapted for the Insertion therein of the Name or Description of the Race-horse and also of the Race for or in respect of which the said Duty shall be paid, and the Time and Place of holding such Race, and the Name of the Owner of such Horse, and also the Date of the Receipt of the said Duty by the Clerk of the Course; and the said Commissioners shall supply a proper and sufficient Number of such Forms to every Clerk of the Course who shall apply for the same.

Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils.

VII. Every Clerk of the Course who shall receive the said Duty for any Race-horse shall give a Receipt for the same upon One of such printed Forms, properly filled up with all the several Particulars for which the same shall be adapted, and signed by him, and he shall also properly fill up with all the like Particulars the Counterfoil of such Receipt, and keep the same remaining in the said Book.

Clerk of the Course to give Receipt for Duty on printed Form, and fill up Counterfoil;

VIII. Every Clerk of the Course who shall have been supplied with any such Book of printed Forms of Receipts and Counterfoils shall be chargeable with and accountable for the same in manner herein-after mentioned, and shall, upon every Request of any Officer of Inland Revenue authorized by the said Commissioners in this Behalf, produce and show to such Officer all such Books and Forms as may from Time to Time be in the Possession of the said Clerk of the Course, and shall account with such Officer for all such Forms of Receipts and Counterfoils respectively as shall have been cut out of or separated from any such Book; and for and in respect of each and every such Form which shall have been so cut out or

To be accountable for Forms of Receipts and Counterfoils supplied to him;

separated as aforesaid, and for and in respect also of each and every such Form of Receipt and Counterfoil respectively contained in any Book of such Forms delivered to such Clerk of the Course, and not produced by him to such Officer, the said Clerk of the Course shall be deemed to have received the Amount of the said Duty of Three Pounds Seventeen Shillings, and shall be charged with the same accordingly as so much Money had and received by him for the Use of Her Majesty, Her Heirs and Successors.

To make out Lists half-yearly of Race-horses which have started at Races at which he has officiated;

IX. Every Clerk of the Course shall twice in every Year, that is to say, within Ten Days after the First Day of *January* and the First Day of *July* in every Year, make out and deliver to the Commissioners of Inland Revenue, or to such Officer as they shall direct, a true and correct List, in such Form as the said Commissioners shall require or direct, of all the Horses which have started or run at any Race at which such Clerk of the Course officiated in that capacity within the preceding Half Year, and shall specify in such List the Names by which such Horses were called or known, and the Names of their respective Owners, and also the Name or other Description of the Race, and the Date and Place of holding the same, and shall distinguish in such List the Horses in respect of which the Duty was paid to such Clerk of the Course, and the Horses in respect of which Receipts were produced, showing the Payment of the said Duty to some other Clerk of the Course, and in the latter Case the Name of such Clerk of the Course, and the Place and Date of such Payment.

To pay over Monies to Collector of Inland Revenue;

X. The Clerk of the Course shall pay over all Monies received by him or for which he shall be chargeable under this Act to the Collector of Inland Revenue, or to such other Officer as the Commissioners of Inland Revenue may direct, and under such Regulations as the said Commissioners may make in that Behalf; and upon the due Payment of all such Monies, and on the Performance by the said Clerk of the Course, to the Satisfaction of the said Commissioners, of all Matters and Things required of him by or under the Authority of this Act, the said Clerk of the Course shall have and be entitled to an Allowance at the Rate of One Shilling in the Pound on all such Monies paid by him as aforesaid, and such Allowance shall be paid to him by such Collector or other Officer, by Warrant of the said Commissioners.

To have an Allowance for due payment and Performance of Duty.

Penalty on Clerk of the Course for Neglect of Duty.

XI. If any Clerk of the Course shall refuse or neglect to do or perform any Act, Matter, or Thing required of him by or under the Authority of this Act, or shall do or permit or suffer to be done any Act, Matter, or Thing contrary in any respect to any Prohibition, Injunction, or Direction herein contained, he shall for every such Offence forfeit the sum of Fifty Pounds.

XII. The Term "Race-horse," used in this Act, shall be construed to mean any Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing; and the said Term "Race-horse," as well as the Term "Horse," used in this Act, shall be deemed to include also a Mare or Gelding; and in all Proceedings for the Recovery of the said Duty by this Act imposed, or of any Penalty in relation thereto, it shall be sufficient to designate any such Horse as aforesaid by the Term "Race-horse," without further or otherwise describing the same; and for the Purposes of this Act the Person by whom or in whose Name any Race-horse shall be entered to start or run at any Race shall be deemed to be the Owner of such Race-horse.

Interpretation of Terms.

XIII. This Act shall not extend to *Ireland*.

Extent of Act.

CAP. LXXXIII.

An Act to provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard.—[29*th* July 1856.]

CAP. LXXXIV.

An Act to continue the Corrupt Practices Prevention Act, 1854.—[29*th* July 1856.]

Expired.

WHEREAS an Act was passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty, (Chapter One hundred and two,) "to consolidate and amend the Laws relating to Bribery, Treating, and "undue Influence at Elections of Members of Parliament;" and it was thereby provided that such Act should continue in force for One Year next after the passing thereof, and thenceforth to the End of the then next Session of Parliament: And whereas it is expedient that the said Act should be continued: Be it enacted by the Queen's most Excellent Majesty, by and with

17 & 18 Vict. c. 102.

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Said Act continued. I. The said Act shall be continued until the Tenth Day of *August* One thousand Eight hundred and fifty-seven, and thenceforth to the End of the then next Session of Parliament.

CAP. LXXXV.

Expired.

An Act to continue the General Board of Health.—[29*th* July 1856.] (England.)

CAP. LXXXVI.

An Act to abolish the Office of Cursitor Baron of the Exchequer.—[29*th* July 1856.]

CAP. LXXXVII.

An Act to amend the Lunatic Asylums Act, 1853.—[29*th* July 1856.] (England.)

CAP. LXXXVIII.

Repealed in part by 21 & 22 *Vict. c.* 44, *and* 34 & 35 *Vict. c.* 26.

An Act to make further Provision for the good Government and Extension of the University of Cambridge, *of the Colleges therein, and of the College of King* Henry *the Sixth at* Eton.—[29*th* July 1856.]

CAP. LXXXIX.

CAP. LXXXIX.

An Act to abolish certain unnecessary Forms in the framing of Deeds in Scotland.—[29*th* July 1856.]

WHEREAS an Act of the *Scottish* Parliament was passed in the Sixth Session of the First Parliament of His Majesty King *William*, intituled *Act allowing Securities, &c. to be written Bookways*, which Act statutes and ordains that it shall be lawful to write any Contract, Decreet, Disposition, Extract, Transumpt, or other Security by way of Book, in Leaves of Paper, provided that every Page be marked by the Number, first, second, &c., and signed, and that the End of the last Page make mention how many Pages are therein contained, in which Page only Witnesses are to sign in Writs and Securities, where Witnesses are required by Law: And whereas the Safeguards prescribed by the said Act, other than the said Provision as to marking every Page by Number, have been found in Practice to be of themselves amply sufficient for the Purposes thereof, and the said Provision as to marking every Page by Number has been very generally neglected in Practice, and it would therefore be beneficial to and for the Security of the Public that the same should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Act of Parliament of Scotland, 1696, c. 15.

I. That from and after the First Day of *September* in the Year One thousand eight hundred and fifty-six it shall not be competent to institute or to insist in or maintain any Challenge of or Exception to any Deed or Writing aforesaid, or any Deed or Writing of any Description whatever, on the Ground that the Pages thereof are not marked by Numbers; and it shall no longer be necessary to mark the Pages of any Deed or Writing by Numbers, any Law or Practice to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to affect any Question which may have been in dependence in any Court prior to the passing of this Act, or any Judgment already pronounced, or any Decreet which has already gone out, or the Provision of the said recited Act, or of any other Act or Acts of Parliament, as to mentioning

After Sept. 1, 1856, Pages of Deeds and Writings need not be marked by Numbers.

mentioning in the Testing Clause the Number of the Pages of which the Deed consists, or the Provision as to signing each Page of the Deed, or any other Provision of the said recited Act.

CAP. XC.

Expired.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britian *and* Ireland: *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-Commissioned Officers.*—[29*th* July 1856.]

CAP. XCI.

An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King George *the Third, relating to Judicial Procedure and Securities for Debts in* Scotland.—[29*th* July 1856.]

WHEREAS a Bill has been brought into Parliament, intituled *A Bill to consolidate and amend the Laws of* Scotland *regarding Insolvency and Bankruptcy*, by which it is proposed to repeal the Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter One hundred and thirty-seven, and it is expedient that certain Provisions therein contained relating to Judicial Procedure and Securities for Debts in *Scotland* should be amended and re-enacted: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. An Arrestment executed to attach the Effects of a Debtor, as in the Hands of a Person out of *Scotland*, shall not be held to have interpelled such Person from paying to the original Creditor, unless Proof be made that he, or those having Authority to act for him, were previously in the Knowledge of such Arrestment having been so used.

Effect of Arrestments executed as in the Hands of Persons out of Scotland.

II. The Court of Session shall have full Power to make Acts of Sederunt for abridging the Forms of Publication and Citation, and regulating the Proceedings in Processes of Sale, Ranking, and Division, whether at the Instance of Creditors or of apparent Heirs; and in every Case of a Sale under the Authority of the Court of Session it shall be lawful for the Purchaser, at any Term of *Whitsunday* or *Martinmas* subsequent to the Term of Payment of the Price, to lodge the Price, with the Interest due upon it, in any Joint Stock Bank of Issue in *Scotland*, at such Interest as can be procured for it, by doing which, and by giving Notice thereof to the Agent who carried on the Sale, he shall be discharged of the said Price; and further, the Court of Session, upon the Application of any of the Creditors, shall be empowered to make an Order on the Purchaser to lodge the Price and Interest, at any of the said Terms subsequent to the Term of Payment, in one or other of the said Banks, sufficient Intimation being always previously given, both to the Purchaser and to the common Agent for the Creditors, that such Application is made, in order that all Parties may have an Opportunity to object; and in all Cases of Judicial Sales the Lands or other Heritable Property may be brought to actual Sale, so soon as the necessary previous Steps are taken, whether the Ranking be concluded or not, unless the Court, upon Application of any Party concerned, shall find sufficient Cause to delay the Sale.

Court of Session may regulate Judicial Sales of Estates.

Sales may precede Ranking.

III. And whereas Doubts have arisen upon the Construction of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and ninety, Chapter Twenty, intituled *Act anent the Sale of Bankrupt's Lands*, in so far as it requires that the common Debtor be found bankrupt and utterly insolvent: Be it enacted, That a Judicial Sale at the Instance of Creditors may in all Cases proceed where the Interest of the Debts and the other annual Burdens exceed the yearly Income of the Property under Sale, or where a Sequestration shall have taken place, without other Proof of Bankruptcy or Insolvency.

What Proof of Insolvency necessary for Sales.

IV. When the Estate of a Debtor is brought into the Court of Session by Process of Judicial Sale and Ranking, the Decree of Sale to be pronounced by the Court shall be held as a General Decree of Adjudication in favour of every Creditor who shall afterwards

Decree of Sale to be held as a General Decree of Adjudication.

afterwards be included in the Decree of Division; and the Effect of such General Decree shall be the same in all Competitions, or Questions of Ranking and Preference, as if it had been pronounced and extracted of the Date of the First Calling of the Process of Sale before the Lord Ordinary in the Outer House, and no separate Adjudication shall be allowed to proceed during the Dependence of a Judicial Sale, and the Court is hereby authorized to settle, by an Act or Acts of Sederunt, in what Manner and at what Period or Periods the Principal Sums and bygone Interests of the Debts shall be accumulated, so as to do equal Justice to all concerned: Provided that it shall be competent to any Creditor who is in a Situation to adjudge to carry on the Action of Sale to its Conclusion, although deserted or abandoned by the original Pursuer.

Different Creditors may be joined in One Adjudication.

V. And in order to lessen the Number of Adjudications for Debt, and the Expense to all Parties, and to facilitate the *pari passu* Preference of Creditors in similar Circumstances, be it enacted, That the Lord Ordinary officiating in the Court of Session before whom the First Process of Adjudication against any Estate for Payment or Security of Debt is called shall ordain Intimation thereof to be made in the Minute Book and on the Wall, in order that any other Creditors of the common Debtor who at the next Calling of the Cause can show that, although they have not executed their Summonses of Adjudication, they are in other respects, by the Nature of the Grounds of Debt and Steps taken by them, in Condition to proceed in adjudging the common Debtor's Estate, may produce the Instructions of their Debts, with Summonses of Adjudication, libelled and signetted, for the Purpose of their being conjoined in the Decree of Adjudication, Twenty Sederunt Days being allowed for such Intimation before the Cause can be called a Second Time; and if any of those Forms shall happen to be omitted, such Adjudication shall be null and void, without Prejudice to its being brought forward again in more due Form, or still conjoined with any after Adjudication; and without Prejudice to the Validity and Order of ranking of posterior Adjudications according to the Rules of Law, when any after Process or Processes of Adjudication are brought into Court, the same shall be regulated, as to the Time and Manner of proceeding in them, by an Act or Acts of Sederunt of the Court of Session, so as to provide, as far as Circumstances will admit, for the *pari passu* Preference of such posterior Adjudications with one another, and to abridge the Number and Expense of such Proceedings; and in all Cases where Penalties for Nonpayment, over and above Performance, are contained in Bonds or other Obligations for Sums of Money, and are made the Subject of Adjudication, or of Demand in any other Shape, it shall be in the Power of the Court to modify and restrict such Penalties, so as not to exceed the real and necessary Expenses incurred in making the Debt effectual.

Mode of rendering an Adjudication effectual.

VI. And in order to fix more clearly in Time coming what Diligence is necessary to make an Adjudication effectual, be it enacted, That the lodging of a Draft Charter and Note in the Office of the Presenter of Signatures, in Terms of the Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Fifty-one, when the Holding is of the Crown, or the executing a Charge of Horning against Superiors, when the Holding is of a Subject, and recording a Copy of such Note and an Abstract of such Draft Charter, or such Charge, in the Register of Abbreviates of Adjudications, shall be held in all Time coming as the proper Diligence for the Purpose aforesaid.

Securities for Cash Accounts or Credits.

VII. It shall be lawful for any Person possessed of Lands or other Heritable Property, and desiring to pledge the same in Security of any Sums paid or Balances arising or which may arise upon Cash Accounts or Credits, or by way of Relief to any Persons who may become bound with him for the Payment of such Sums or Balances, although paid or arising posterior to the Date of the Infeftment, to grant Heritable Securities accordingly upon his Lands or other Heritable Property, containing Procuratory of Resignation and Precept of Sasine, for infefting any Bank or Bankers or other Persons who shall agree to give such Cash Accounts or Credits, or for infefting such Persons as shall become Cautioners for him, or jointly bound with him in such Cash Accounts or Credits: Provided always, that the Principal and Interest which may become due upon such Cash Accounts or Credits shall be limited to a certain definite Sum, to be specified in the Security, such definite Sum not exceeding the Amount of the Principal Sum, and Three Years Interest thereon at the Rate of Five Pounds *per Centum*: Provided also, that it shall be lawful for the Person to whom any such Cash Account or Credit is granted to operate upon the same by drawing out and paying in such Sums from Time to Time as the Parties shall settle between themselves, and that the Sasines or Infeftments taken upon such Heritable Securities shall be equally valid and effectual as if the whole Sums advanced upon such Cash Account or Credit had been paid prior to the Date of the Sasine or Infeftment taken thereon, and that any such Heritable Security shall remain and subsist to the Extent of the Sum limited, or any lesser Sum, until the Cash

Account or Credit is finally closed, and the Balance paid up and discharged, and the Sasine or Infeftment renounced.

CAP. XCII.

An Act to constitute a Court of Appeal in Chancery, and to amend the Law relating to Appeals from the Incumbered Estates Court in Ireland.—[*29th* July 1856.]

CAP. XCIII.

Repealed in part, 20 Vict. c. 11. s. 1.

An Act to constitute all legally qualified Persons in Scotland *Commissioners of Supply without being named in an Act of Supply.*—[*29th* July 1856.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons qualified for Commissioners of Supply to be such.

I. All Persons, being Males and of full Age, qualified in Terms of the Nineteenth Section of the Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Ninety-one, "for the Valuation of Lands and Heritages in *Scotland*," otherwise than by Nomination *ex officio*, for acting as Commissioners of Supply in any County in *Scotland*, shall, without being named in an Act of Supply, be Commissioners of Supply of such County while so qualified, and shall as such be entitled and have Power to vote and act as freely and to the like Effect as if they had been so named.

Valuation Rolls under 17 & 18 Vict. c. 91. to be Evidence.

II. For the Purpose of making up the List of Commissioners of Supply after mentioned, the last completed Valuation Roll of the County, made up under the Provisions of the said recited Act, shall be *primâ facie* Evidence that every Person entered thereon as the Proprietor of any Lands and Heritages within such County is the Proprietor, in Terms of the Act, of such Lands and Heritages, and shall further be conclusive Evidence that the same are of the yearly Value, in Terms of the said Act, set forth as their yearly Value in such Roll: Provided always, that where any Lessee shall have been entered on the said Valuation Roll in the Column of Proprietors the Assessor shall write, and he is hereby required to write, the Word "Lessee" immediately after or under the Name of such Lessee, and such Entry of any such Lessee in the Valuation Roll shall be no Evidence of his being a Proprietor of Lands and Heritages, in Terms of the said Act.

Claims and Objections to be lodged with Clerk of Supply.

III. Before the Tenth Day of *December* in each Year every Person desirous of being placed on the List of Commissioners shall give in to the Clerk of Supply a Claim in Writing, setting forth the Grounds of such Claim; and any Commissioner of Supply intending to object to any Claimant being placed on the List, or to any Person already on the List remaining thereon, shall within Seven Days thereafter give Notice in Writing to the Clerk of Supply of his Intention; and such Clerk of Supply shall, on receiving any such Notice of Objection, forthwith intimate the same by written Notice transmitted by Post to the Person to be objected to, and he shall also give to him, and to all Parties who may have lodged Claims or Objections respectively, Ten free Days Notice in Writing of the Time and Place fixed as herein-after provided for disposing of the same.

Commissioners of Supply to appoint adjourned Meetings for disposing of Claims and Objections.

IV. The Commissioners of Supply in each County shall yearly, at their annual Meeting on the Thirtieth Day of *April*, appoint a Committee to meet at such Times and Places as they may fix, but not sooner than the Twentieth Day of *November*, and of which Committee Meetings the Quorum shall be Three, to dispose of such Claims and Objections; and at the Time and Place fixed and intimated as aforesaid the several Persons objected to shall produce the Titles on or in respect of which they found their Right as Commissioners of Supply; and the Committee at such Meetings shall dispose of such Claims and Objections, hearing compearing Parties, and receiving and making a Memorandum of such competent Evidence as may be adduced by them: Provided always, that these Claims and Objections shall all be disposed of before the Twentieth Day of *December* in each Year.

On or before 31st December in each Year Clerk of Supply to make up the List of Commissioners.

V. On or before the Thirty-first Day of *December* in each Year, the Clerk of Supply in every County shall make up and adjust the List of Commissioners of Supply in such County in accordance with the Determinations of the Commissioners of Supply on the Claims and Objections as aforesaid, and the List, when adjusted, shall be authenticated by the Subscription of the Clerk of Supply, and shall remain in his Custody, all Persons interested therein being entitled to inspect or make Copies of the same or any Part thereof, at their own Expense, at such reasonable Times and subject to such Regulations as the Commissioners of Supply may prescribe; and such each List, subject to Corrections in accordance with Judgments on Appeal, as after mentioned, shall, till the next List shall have been completed and authenticated, be conclusive as to the Right of acting and voting as Commissioners of Supply, except as regards such Sheriffs and Magistrates of Burghs and Towns for the Time being as may in any subsisting Act of Supply be constituted *Ex-officio* Commissioners of Supply without being required to possess any Property Qualification, who, and whose Successors in Office, shall be entitled to act and vote as such Commissioners *virtute officii*, and without being inserted on such List.

Appeal from Determination of Commissioners on Claims or Objections.

VI. If any Party shall be dissatisfied with the Determination of the Commissioners of Supply on any such Claim or Objection as aforesaid, he may, within Ten Days after the same has been pronounced, appeal by Note of Appeal to the Lord Ordinary officiating on the Bills in the Court of Session, who shall summarily dispose of the Appeal, and whose Judgment shall be final and conclusive, and not subject to Review; and on a certified Copy of any such Judgment being presented to the Clerk of Supply he shall forthwith, if the Determination of the Commissioners of Supply appealed against shall have been altered or reversed, forthwith correct the List adjusted as aforesaid in accordance with such Judgment.

Short Title.

VII. This Act may be cited for all Purposes as "The Commissioners of Supply (*Scotland*) Act, 1856."

CAP. XCIV.

An Act for the uniform Administration of Intestates Estates.—[29*th* July 1856.] (England and Wales.)

CAP. XCV.

Repealed by 21 & 22 Vict. c. 44. s. 5.

An Act to give to the University of Oxford *and to Colleges in the said University, and to the College of* Saint Mary of Winchester *near* Winchester, *Power to sell and exchange Lands, under certain Conditions.*—[29*th* July 1856.]

CAP. XCVI.

An Act for amending the Law of Marriage in Scotland.—[29*th* July 1856.]

WHEREAS it is expedient to amend the Law touching Marriages in *Scotland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Declaring under what Circumstances Marriages solemnized in Scotland shall be valid.

1. After the Thirty-first Day of *December* One thousand eight hundred and fifty-six, no irregular Marriage contracted in *Scotland* by Declaration, Acknowledgment, or Ceremony shall be valid, unless One of the Parties had at the Date thereof his or her usual Place of Residence there, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; any Law, Custom, or Usage to the contrary notwithstanding.

Certificated Copy of Entry by Sheriff Depute that Parties were married, and that One of them lived in Scotland Twenty-one Days preceding such Marriage, conclusive as to its Validity.

II. If any Persons who shall have contracted an irregular Marriage in *Scotland* after the Day and Year aforesaid shall within Three Months thereafter present a joint Application for a Warrant to register such Marriage to the Sheriff or Sheriff Substitute of the County where such Marriage was contracted, and shall prove to his Satisfaction that they have been married to one another, and that One of them had lived in *Scotland* for Twenty-one Days next preceding such Marriage, or had his or her usual Residence in *Scotland* at the Date thereof, such Sheriff or Sheriff Substitute shall certify the same under his Hand, and shall thereupon grant Warrant to the Registrar of the Parish or Burgh in which the Marriage was contracted, who shall forthwith enter such Marriage in the Register of Marriages kept by him, in Terms of an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty; and any certified Copy of such Entry, signed by such Registrar, and which such Registrar is hereby required and empowered to give, charging for the same the Sum of Five Shillings, shall be received in Evidence of such Marriage, and of such Residence or of such previous living Twenty-one Days in *Scotland*, in all Courts in the United Kingdom and Dominions thereunto belonging.

No conviction for, nor Registration of,

III. It shall not be lawful, after the Date aforesaid, to convict any Parties of having irregularly contracted Marriage, unless there shall be adduced to the Justice or Justices of the Peace, irregular Marriage, without Proof of previous Residence.

Peace, Magistrate or Magistrates, before whom the Complaint against such Parties has been brought, sufficient Proof, other than the Acknowledgment of such Parties, that One of them had at the Date thereof his or her usual Residence in *Scotland*, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; nor shall it be lawful for any Registrar of Births, Deaths, and Marriages in *Scotland* to register any Marriage under the Provisions of the said recited Act, on the Production of an Extract of a Conviction for having irregularly contracted Marriage, unless such Conviction shall bear that such sufficient Proof as aforesaid was so adduced.

CAP. XCVII.

An Act to amend the Laws of England *and* Ireland *affecting Trade and Commerce.*—[29*th* July 1856.]

§ XVII. Nothing in this Act shall extend to Scotland.

CAP. XCVIII.

An Act to amend the Laws relating to the Burial of the Dead in Ireland.—[29*th* July 1856.]

CAP. XCIX.

An Act to amend the Acts relating to Lunatic Asylums in Ireland, *so far as relates to Superannuations.*—[29*th* July 1856.]

CAP. C.

An Act to amend the Law with respect to the Election of Directors of Joint Stock Banks in England.—[29*th* July 1856.]

CAP. CI.

An Act to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.—[29*th* July 1856.]

Expired.

CAP. CII.

An Act to further amend the Procedure in and to enlarge the Jurisdiction of the Superior Courts of Common Law in Ireland.—[29*th* July 1856.]

Repealed in part by 20 & 21 *Vict. c.* 79. *s.* 70. *and* 33 & 34 *Vict. c.* 99.

CAP. CIII.

An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland.—[29*th* July 1856.]

Repealed in part by 25 & 26 *Vict. c.* 101. *s.* 1., *(but see exception,)* 30 & 31 *Vict. c.* 101. *s.* 2.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts, so far as relates to *Scotland*, and to substitute other Provisions more effectual in that Behalf, and also to make Provision for the Supervision and Regulation of Common Lodging Houses, and for the Health of Towns in *Scotland:* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12. Vict. c. 123.
12 & 13 Vict. c. 111.

I. This Act may be cited for all Purposes as "The Nuisances Removal (*Scotland*) Act, 1856."

Short Title.

II. From and after the passing of this Act the said Acts are hereby repealed, in so far as they apply to *Scotland:* Provided always that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Orders in Council for *Scotland*, and all Directions and Regulations issued by the General Board of

Recited Acts repealed, but saving Proceedings in progress.

Health under the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of certain Terms.

III. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them: The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in *Scotland;* the Word "Sheriff" shall include Sheriff Substitute; the Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted: the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Threepence *per* Night for each Person, whether the same be paid nightly or weekly, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

As to Local Authorities to execute this Act.

IV. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *Scotland:*

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned, the Town Council, or in Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees, except as herein-after provided:

In any Parish or Part thereof over which the Jurisdiction of a Town Council or of Police Commissioners does not extend, the Parochial Board of such Parish.

Board of Supervision to determine

V. Where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, or of one or other of them, the Board of the Local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.

of Supervision shall, on the Application of either of these Bodies or of the Parochial Board, determine whether the Town Council or the Police Commissioners or Trustees, as the Case may be, or the Parochial Board, shall be the Local Authority within the Limits of such Parish; and where any Burgh or Town shall be situated in more than One County, the Board of Supervision shall, on Application being made to them by any Person having Interest, determine in which one of such Counties such Burgh or Town shall be held to be situated for the Purposes of this Act, whose Decision shall be final.

Committee may be appointed.

VI. The Local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such Local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority.

Local Authority to appoint Sanitary Inspectors.

VII. The Local Authority may, where it shall be thought necessary for the Purposes of this Act, appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspectors, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary; and if no such Inspector is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit.

PART I.

Removal of Nuisances.

Description of Nuisances under this Act.

VIII. The Word "Nuisances" under this Act shall include—

(a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation:

(b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:

(c) Any Animal so kept as to be injurious to Health:

(d) Any Accumulation or Deposit within Fifty Yards of any Dwelling House within the Limits of any Burgh, or offensive or injurious to Health:

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood.

Power of Entry to Local Authority or their Officer.

IX. If the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such Local Authority or Inspector may demand to be admitted to inspect the same at any Hour between Nine in the Morning and Six in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority or Inspector; and if such Occupier or Person refuse to obey such Order he shall, on Conviction of such Offence, be liable to a Penalty not exceeding Five Pounds; and if no such Occupier or Person can be discovered, the Local Authority or their Officers may enter the Premises.

Proceedings by Local Authority when Nuisances are ascertained to exist.

X. In any Case where the Existence of a Nuisance is ascertained on Examination by the Local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff, or to any resident Magistrate or Justice of the Peace, by summary Petition, in manner herein-after directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Head marked (e) in Section Eight such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

XI. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance may be ordained to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling

House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate, or Justice of the Peace is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in his Judgment, or do otherwise as the Case may in his Judgment require.

Interdict against future Nuisance.

Penalty for Contravention of Decree and of Interdict.

XII. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a), (b), (c), and (d), in Section Eight of this Act, to a Penalty of not more than Ten Shillings *per* Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such Infringement; and in the Case of Nuisances specified in Clause (e) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff or other Magistrate that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural

XIII. When it shall appear to the Sheriff or other Magistrate that the Execution of structural Works is required for the

Works are required.

the Removal or Remedy of a Nuisance, he may direct such Works to be carried out, under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, or where no such Body has such Jurisdiction, under the Direction and subject to the Approval of any Person he may appoint; and he shall, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

XIV. In Case of Noncompliance with or Infringement of any Decree aforesaid, the Local Authority may apply to the Sheriff or other Magistrate for Authority to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree: or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered by an Action in the Small Debt Court, whatever may be their Amount.

Manure, &c. to be sold.

XV. Any Thing removed by the Local Authority in pursuance of this Act may be sold by public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied in Payment of all Expenses, incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing, by whom the Balance of such Expenses shall be defrayed if such Proceeds are insufficient for that Purpose.

Open Ditches, &c. to be covered or improved.

XVI. Whenever any Watercourse, Ditch, Gutter, or Drain along the side of any Public Road or Street shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required to lay down such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such Local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

XVII. Nothing in this Act contained shall enable any Local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal, or the Irrigation of Lands in Rural Districts, or to divert or diminish any Supply of Water of right belonging to any such River or Canal, or used for the Irrigation of Lands in Rural Districts.

Penalty on Sale of unwholesome Meat.

XVIII. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized; and if it appear to any Justice of the Peace or Magistrate that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty for causing Water to be corrupt

XIX. Any Person or Company engaged in the Manufacture of Gas, Naphtha, Vitriol, or Dye Stuffs, or in any Trade in which the Refuse produced in any such Manufacture is used, who ed by Gas Washings, &c.

who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Pond, or Place for Water, constructed for the Supply of Water for domestic Purposes, or into any Drain communicating therewith, any Washing or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Fifty Pounds.

Such Penalties, &c. to be sued for within Six Months.

XX. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

XXI. In addition to the said Penalty of Fifty Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Five Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the Local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

PART II.

Prevention and Mitigation of Diseases.

Privy Council empowered to issue

XXII. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others

Orders for Prevention of Diseases.

others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part II. hereof be put in force in *Scotland*, or in Such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *Edinburgh Gazette*, and Such Publication shall be conclusive Evidence of such Order.

When Order is issued, Board of Supervision to be vested with certain Powers, and an additional Member may be appointed.

XXIII. When any such Order has been issued, the Board of Supervision in *Scotland* shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in *Scotland*, other than *Renfrew*, *Perth*, or *Ross*, to be an additional Member of the Board during the Subsistence of such Order; and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred Pounds *per Annum*, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary not exceeding Two hundred Pounds *per Annum*, to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks, and the Office Expenses incurred under this Act, shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Power to appoint a Medical Officer and additional Clerks.

Board may issue Regulations to carry out such Provisions of Order.

XXIV. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts

Local Extent and Duration of the Regulations of the Board.

or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the *Edinburgh Gazette*, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct: Provided that the Board may, if that shall be judged necessary, direct any Inspector to apply to the Sheriff, who shall thereupon give such Orders as to him shall seem right, with a view to carry into effect such Directions and Regulations.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

XXV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be provided for by such Regulations.

XXVI. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

Local Authority shall execute and may direct Prosecutions for violating Regulations.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for Local Authority, &c. to enter Premises.

XXVII. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorised, may enter, at reasonable Times in the Daytime, and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

XXVIII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Parts and Arms of the Sea.

XXIX. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue under the said Orders Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon inland Waters.

Medical Officer of Parish to be allowed to charge for attending Sick on board any Vessel, and to be paid by Captain.

In Case Charge not paid, Medical Officer may bring an Action.

XXX. Whenever, in compliance with any Regulation of the Board, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

PART III.

PART III.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

XXXI. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

XXXII. After the Expiration of One Month from the Date of the passing of this Act, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

Evidence of Register.

XXXIII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses.

XXXIV. The Local Authority may from time to time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority; and the said Local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Rules, &c. not to take Effect until confirmed by Secretary of State.

XXXV. All Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of Twopence each for the same; and a Copy of such Rules and Regulations, purporting to be signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Lodging Houses.

XXXVI. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use

Power to Local Authority to

require an additional Supply of Water to Common Lodging Houses.

Use of the Lodgers, and that such a supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied with accordingly the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the Local Authority served on such Keeper or Person, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXVIII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments authorized by this Act, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

XXXIX. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate to such Parochial

Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to inspection of Common Lodging Houses.

XL. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House or any part thereof.

As to cleansing of Common Lodging Houses.

XLI. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Wall, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging Houses

XLII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within Five Years or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART IV.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

XLIII. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not, within Fourteen Days after such Notice, or, in the Case of Neglect to enforce any Regulation or Direction of the Board, under Part II. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority, as Justice may require.

Form of Applications to Sheriff.

XLIV. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within Three Days, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

No written Pleadings, &c. allowed.

XLV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

XLVI. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills for Relief against the Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final.

No Appeal otherwise.

XLVII. No Appeal shall be competent, save in Cases so certified.

Justices being Members of Local Authority may act.

XLVIII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority, exercise the Jurisdiction vested in them under this Act.

Proceedings under this Act not subject to Review.

XLIX. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein provided, be subject to Review in any way whatever.

Service of Notices, Summonses, and Orders.

L. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of Local Authority.

LI. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners may be proceeded against alone.

LII. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without

out proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty for obstructing Execution of Act.

LIII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty on Occupier obstructing Owner.

LIV. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Expenses due by Owners may be recovered from Occupiers, and deducted from Rent.

LV. All Expenses or Penalties decerned for against or due under this Act by an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall to the Extent of Two Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due.

As to Expenses incurred in executing this Act.

LVI. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered, as hereinbefore provided, may be defrayed out of an Assessment to be levied along with, and in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council or Police Commissioners shall resolve, where the Local Authority is a Town Council or Police Commissioners;

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

As to Forms to be used.

LVII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor.

Police Constables to aid in executing Act.

LVIII. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Right of Action, &c.

LIX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

PART V.

Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more "effectual Provision for regulating the Police of Towns "and populous Places in Scotland, and for paving, drain-"ing, cleansing, lighting, and improving the same."

13 & 14 Vict. c. 33.

Commissioners may levy Special Sewer Rates.

LX. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or reconstructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Re-construction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding Sixpence in the Pound *per Annum* of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate

Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District, as provided by the said Act and this Act.

Power to borrow Money for the Construction of Sewers.

LXI. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, *mutatis mutandis*, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

LXII. The money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Sinking Fund to pay off Money borrowed for constructing Sewers.

LXIII. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to Five Pounds *per Centum per Annum* upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in *Scotland*, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional Assessment to be levied by them under Section Three hundred and forty of the said Act.

Streets to be paved and flagged by Owners of Property abutting thereon.

LXIV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within One Month after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Drains may be made to discharge below High-water Mark.

LXV. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized under the above-mentioned Act.

Period of Imprisonment for Offences and for Default in paying

LXVI. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding Sixty Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or

Penalties and finding Caution.

or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such Caution shall not exceed Sixty Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no Case exceed Ninety Days.

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

LXVII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found to be agricultural, and to be exempted from or to be made liable only for a Portion of the Rate of Assessment leviable from other Property within such Burgh for the Purposes of the said Act, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Induciæ of Ten Days, and after hearing Parties, and taking such Evidence as he may think necessary, shall determine to what Extent such Property is agricultural, and what Proportion of the Rate of Assessment so leviable within such Burgh shall thereafter be assessed and levied on such agricultural Property so long as the same shall continue to be used for agricultural Purposes; but it shall be lawful to the Sheriff at any future Time, on a Petition presented to him by the Commissioners, to find that any Part of such Property has ceased to be used for such Purposes, and to direct that the same shall thereafter be liable in Assessment at the same Rate as other Premises in the Burgh.

Judgments, &c. under this Act not to be subject to Review.

LXVIII. All Judgments, Decrees, or Orders pronounced by any Sheriff or Magistrate under this Act shall, unless it be otherwise provided by this Act, be final, and not subject to any Review.

In execution of 18 & 19 Vict. c. 68., Limits of Burgh, as defined in Section 2., to comprehend several Par-

LXIX. In order to amend an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws concerning the Burial of the Dead in* Scotland, so as to make the said Act available in Burghs comprehending Parts of more than One Parish, be it enacted, That in the Execution of the said Act where the Limits of any Burgh sending or contributing to send a Member to Parliament, as defined under Section Second of the said Act, shall comprehend more than One Parish, or Parts of more than One Parish, all the Parishes or Parts of Parishes within the Limits of such Burgh shall be held to be One united Parish for the Purposes of the said Act, and all that is comprehended within such Limits shall be excluded from other Parishes under the said Act, and the Town Council of the Burgh shall be held to be the Board of the united Parish, within such Limits, under the said Act: Provided always, that any Parish in which any School, Church, Chapel, or Preaching Station is maintained by the Kirk Session, or the Kirk Session and Heritors, out of the Funds derived from such Burying Grounds, shall be excepted from the above Provision, unless sufficient Provision for permanently maintaining the same, to the Extent of the Funds so derived, shall be made by the Town Council to the Satisfaction of the Sheriff of the County within which such Parish is situated.

ishes as One united Parish.

Power to rectify Errors committed by Sheriffs in defining Boundaries under 13 & 14 Vict. c. 33.

LXX. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or Town or populous Place, under the Powers conferred by the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, it shall be lawful for any Heritor or Ratepayer having Interest to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said last-recited Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

SCHE-

SCHEDULE OF FORMS.

FORM (A.)

Order of Justice of Peace for Admission of Local Authority or their Officer to inspect private Premises.

WHEREAS [*describe the Local Authority*] have by their Officer [*naming him*] made application to me, *A. B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or his*] Belief that a Nuisance, within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [*name the Local Authority*], [*or* the Officer of the said (*Local Authority*)] for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

FORM (B.)

Notice of Nuisance.

To the Town Council of the [Burgh] of
or To the Police Commissioners of
or To to the Nuisances Removal Committee of *or*
To the Parochial Board of the Parish of in the
County of [*as the Case may be*].

WE [*or* I], the undersigned Inhabitant Householders, [Sanitary Inspector *or other Officer* (*describing him*) of the Parish *or* Burgh of], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [Dwelling House, Yard, *&c.*, *as the Case may be*,] and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance*, the Dwelling House *or* Building at No.

aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome Condition, *or* so out of Repair, *or* there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of *&c.*, *or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default*, *or* by some Person unknown].

Day of One thousand eight hundred and .

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance [*describing the Nuisance, as the Case may be*,] cognizable under that Act.

Day of One thousand eight hundred and .

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

Whereas Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*] situate [*insert such a Description of the Premises as may be sufficient to identify them*] in the Parish of in the said County [*or* Burgh, *&c.*] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally, according to the Circumstances; for instance, thus,* cleansing *or* whitewashing *or* purifying the said Dwelling House (*or* Building), *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)]; and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(*Date.*) *E.F.*

CAP. CIV.

Repealed in part by 52 & 53 Vict. c. 94. s. 10

An Act to extend the Provisions of an Act of the Sixth and Seventh Years of Her Majesty, for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes.—[29*th* July 1856.]

This Act does not extend to Scotland.

CAP. CV.

Spent

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One Thousand eight hundred and fifty-six, and to appropriate the Supplies granted in this Session of Parliament.—[29*th* July 1856.]

CAP. CVI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England *and* Wales.—[29*th* July 1856.]

CAP. CVII.

CAP. CVII.

An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853.—[29*th* July 1856.]

CAP. CVIII.

An Act to amend the Acts relating to the County Courts.—[29*th* July 1856.] (England.)

Repealed in part by 29 & 30 *Vict. c.* 14. *and* 30 & 31 *Vict. c.* 142.

CAP. CIX.

An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.—[29*th* July 1856.]

Repealed by 29 & 30 *Vict.* c. 117. s. 37.

CAP. CX.

An Act for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin *supported wholly or in part by Parliamentary Grants.*—[29*th* July 1856.]

CAP. CXI.

An Act for confirming a Scheme of the Charity Commissioners for Stoke Poges *Hospital in the County of* Bucks, *with certain Alterations.*—[29*th* July 1856.]

CAP. CXII.

An Act to amend the Act of the last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis.—[29*th* July 1856.]

CAP. CXIII.

CAP: CXIII.

An Act to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals.—[29*th* July 1856.]

WHEREAS it is expedient that Facilities be afforded for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Order for Examination of Witnesses in this Country in relation to any Civil or Commercial Matter pending before a Foreign Tribunal.

I. Where, upon an Application for this Purpose, it is made to appear to any Court or Judge having Authority under this Act that any Court or Tribunal of competent Jurisdiction in a Foreign Country, before which any Civil or Commercial Matter is pending, is desirous of obtaining the Testimony in relation to such Matter of any Witness or Witnesses within the Jurisdiction of such first-mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the Examination upon Oath, upon Interrogatories or otherwise, before any Person or Persons named in such Order, of such Witness or Witnesses accordingly; and it shall be lawful for the said Court or Judge, by the same Order, or for such Court or Judge or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just; and any such Order may be enforced in like Manner as an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

Certificate of Ambassador, &c. sufficient Evidence in support of Application.

II. A Certificate under the Hand of the Ambassador, Minister, or other Diplomatic Agent of any Foreign Power, received as such by Her Majesty, or in case there be no such Diplomatic Agent, then of the Consul General or Consul of any such Foreign Power at London, received and admitted as such by Her Majesty, that any Matter in relation to which an Application is made under this Act is a Civil or Commercial Matter pending before a Court or Tribunal in the Country of which he is the Diplomatic Agent or Consul having Jurisdiction in the Matter so pending, and that such Court or Tribunal is desirous of obtaining the Testimony of the Witness or Witnesses to whom the Application relates, shall be Evidence of the Matters so certified; but where no such Certificate is produced other Evidence to that Effect shall be admissible.

Examination of Witnesses to be taken upon Oath.

III. It shall be lawful for every Person authorized to take the Examination of Witnesses by any Order made in pursuance of this Act to take all such Examinations upon the Oath of the Witnesses, or Affirmation in Cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized; and if upon such Oath or Affirmation any Person making the same wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury.

Persons giving false Evidence guilty of Perjury.

Payment of Expenses.

IV. Provided always, That every Person whose Attendance shall be so required shall be entitled to the like Conduct Money and Payment for Expenses and Loss of Time as upon Attendance at a Trial.

Persons to have Right of Refusal to answer Questions and to produce Documents.

V. Provided also, That every Person examined under any Order made under this Act shall have the like Right to refuse to answer Questions tending to criminate himself, and other Questions, which a Witness in any Cause pending in the Court by which or by a Judge whereof or before the Judge by whom the Order for Examination was made would be entitled to; and that no Person shall be compelled to produce under any such Order as aforesaid any Writing or other Document that he would not be compellable to produce at a Trial of such a Cause.

Certain Courts and Judges to have Authority under this Act.

VI. Her Majesty's Superior Courts of Common Law at *Westminster* and in *Dublin* respectively, the Court of Session in *Scotland*, and any Supreme Court in any of Her Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who by any Order of Her Majesty in Council may be appointed for this Purpose, shall respectively be Courts and Judges having Authority under this Act: Provided, that the Lord Chancellor, with the Assistance of Two of the Judges of the Courts of Common Law at *Westminster*, shall frame such Rules and Orders as shall be necessary or proper for giving Effect to the Provisions of this Act, and regulating the Procedure under the same.

Lord Chancellor, &c. to frame Rules, &c.

CAP. CXIV.

CAP. CXIV.

An Act to prevent false Packing and other Frauds in the Hay and Straw Trade.—[*29th* July 1856.] (England.)

CAP. CXV.

Spent.

An Act to provide for the Retirement of the present Bishops of London *and* Durham.—[*29th* July 1856.]

CAP. CXVI.

An Act for the Appointment of a Vice-President of the Committee of Council on Education.—[*29th* July 1856.]

CAP. CXVII.

An Act to amend the Law relating to the Relief of the Poor in Scotland.—[*29th* July 1856.]

8 & 9 Vict. c. 83.

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in* Scotland, and it is expedient that the said Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Board of Supervision to appoint Two General Superintendents

I. It shall be lawful for the Board of Supervision acting in the Execution of the recited Act, with the Consent of Her Majesty's Principal Secretary of State for the Home Department, to appoint by their Order in Writing Two fit Persons to be General Superintendents of the Poor in *Scotland,* to assist in the Execution of the said Act, or of any other Act which shall hereafter be in force for the Relief of the Poor in *Scotland*; and such General Superintendents shall upon their Appointment severally take an Oath de fideli administratione officii, which may be administered by any Member of the Board of Supervision, or any one of the Judges of the Court of Session, or the Sheriff of the County; and it shall be lawful for the Board of Supervision, with the Consent of the Secretary of State, to assign to such General Superintendents the Superintendence of any District or Districts in *Scotland*, and also the Execution and Performance of all such Duties under the recited Act as the Board of Supervision may, with such Consent as aforesaid, think fit, and the Board may with such Consent remove such General Superintendents or either of them, and appoint another or others in his or their Stead, and there shall be paid to such General Superintendents severally such Salary as, upon the Recommendation of the Board of Supervision, the Commissioners of Her Majesty's Treasury shall from Time to Time regulate and allow, such Salary not to be less than Three nor more than Four hundred Pounds *per Annum*, and to be paid out of any Monies to be hereafter voted for that Purpose by Parliament.

to assist in Execution of Act.

II. The General Superintendents and each of them shall be entitled to execute all the Powers which are by the recited Act conferred upon the Commissioners thereby authorized or directed to be appointed.

Powers and Duties of General Superintendents.

III. And whereas by the Sixty-second Section of the said recited Act it is provided, that any Loan of Money borrowed for the Purposes therein mentioned shall be repaid by annual Instalments of not less in any One Year than One Tenth of the Sum borrowed, exclusive of the Payment of Interest on the same: Be it enacted, That after the passing of this Act such annual Instalments shall not of Necessity exceed One Thirtieth of the Sum so borrowed, exclusive of the said Interest.

Annual Instalments of Money borrowed under recited Act need not exceed One Thirtieth of Sum borrowed.

IV. This Act and the recited Act shall, as far as is necessary for the Purposes of this Act, be construed as One Act.

This and recited Act to be construed as One.

CAP. CXVIII.

An Act to amend the Act of the last Session of Parliament for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.—[29*th* July 1856.] (England.)

Repealed in part, 27 & 28 *Vict. c.* 80.

No. 36. (Pub. Gen. Statutes, 1856—Scotland.) CAP. CXIX.

CAP. CXIX.

An Act to amend the Provisions of the Marriage and Registration Acts.—[*29th* July 1856.]

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate.

§ VIII. In every Case in which One of the Parties intending Marriage without Licence, under the Provisions of any of the said recited Acts or this Act, shall dwell in *Scotland*, a Certificate of Proclamation of Banns in *Scotland* under the Hand of the Session Clerk of the Parish in which such Proclamation shall have been made shall, when produced to any Person duly authorized under the Provisions of this Act to solemnize a Marriage, be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in *England* would be, under any or either of the said Three firstly-recited Acts, in reference to a Party resident within such District.

Act not to extend to Ireland or Scotland.

§ XXV. Save as herein expressly provided, this Act shall not extend to *Ireland* or *Scotland*.

Commencement of Act.

§ XXVI. This Act shall come into Operation on the First Day of *January* One thousand eight hundred and fifty-seven, and none of the Provisions thereof shall take effect previous to that Day.

CAP. CXX.

An Act to facilitate Leases and Sales of Settled Estates.—[*29th* July 1856.]

§ XLV. This Act shall not extend to Scotland.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED;

Passed in the FOURTH Session of the SIXTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

19° & 20° Vict.

i. AN Act to enable the *London* Dock Company to raise a further Sum of Money.

ii. An Act for supplying with Gas the Townships of *Knottingley* and *Ferrybridge* in the West Riding of the County of *York.*

iii. An Act to extend the Period limited for the Exercise of the Powers of the Colonial Bank; and for other Purposes.

iv. An Act for lighting with Gas the Borough of *Weymouth* and *Melcombe Regis,* and its Neighbourhood, in the County of *Dorset;* and for other Purposes.

v. An Act for vesting in the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* the Undertaking of the *Chorley* Waterworks Company, and for other Purposes.

vi. An Act for incorporating the *Lancaster* Gaslight Company, and extending their Powers, and for authorizing additional Works, and the raising of further Moneys; and for other Purposes.

vii. An Act to enable the *Haslingden and Rawtenstall* Waterworks Company to raise a further Sum of Money, and for other Purposes.

viii. An Act to enable the *Southport* Waterworks Company to raise a further Sum of Money, and for other Purposes.

ix. An Act for the better supplying with Gas the Parish of *Gainsborough* in *Lincolnshire.*

x. An Act for enabling the Company of Proprietors of *Lambeth* Waterworks to raise further Money, and for other Purposes.

xi. An Act for effecting certain Alterations in the Works of the Tidal Harbour of *Victoria Dock* at *Dundee,* and for other Purposes in relation to the Harbour of *Dundee.*

xii. An Act to enable the *Lincoln* Waterworks Company to raise a further Sum of Money.

xiii. An Act for granting further Powers to the *Heywood* Gaslight and Coke Company.

xiv. An Act for the incorporating of the *Milford* Railway Company, and for the making of the *Milford* Railway in the County of *Pembroke.*

xv. An Act to enable the *Eastern Counties* and *London and Blackwall* Railway Companies to raise a further Sum of Money for the Purposes of the *London, Tilbury, and Southend* Extension Railway; to amend the Acts relating to such Undertaking; and for other Purposes.

xvi. An Act for making a Railway from the *Wilts, Somerset, and Weymouth* Railway, near *Frome*, to *Shepton Mallett* in the County of *Somerset.*

xvii. An Act to confirm an Award for the Settlement of Matters in difference between the University and Borough of *Cambridge*, and for other Purposes connected therewith.

xviii. An Act to enable the *Ulster* Railway Company to subscribe towards the Undertaking of the *Portadown and Dungannon* Railway Company, and to authorize certain Arrangements between the said Companies, and for other Purposes.

xix. An Act for supplying with Water the Town of *Filey* and the Environs and Neighbourhood thereof, and other Places in the East and North Ridings of the County of *York*, and for authorizing the Purchase of the *Filey* Gasworks, and for supplying the said Town with Gas; and for other Purposes.

xx. An Act to empower the *Wakefield* Gaslight Company to raise a further Sum of Money.

xxi. An Act for incorporating the *Worksop* Gas Company.

xxii. An Act to amend and extend the Provisions of "The *Llanidloes and Newtown* Railway Act, 1853;" and to enable the *Llanidloes and Newtown* Railway Company to make certain Deviations in their authorized Line and Levels, and for other Purposes.

xxiii. An Act to confer further Powers on the *Boston* Gaslight and Coke Company.

xxiv. An Act to enable the *East of Fife* Railway Company to make a Deviation in the Line of their Railway, and for other Purposes.

xxv. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Leicester and Welford* Turnpike Road, in the Counties of *Leicester* and *Northampton.*

xxvi. An Act for more effectually paving, cleansing, lighting, and otherwise improving the Town of *Gravesend* in the County of *Kent*.

xxvii. An Act to enable the *Scarborough* Waterworks Company to raise a further Sum of Money, and to extend the Limits for the Supply of Water, and to amend the Provisions of the Act relating to such Company.

xxviii. An Act to repeal the Acts relating to the *Sleaford and Tattershall* Turnpike Road, and to make other Provisions in lieu thereof.

xxix. An Act to confer further Powers on the *Bath* Gaslight and Coke Company.

xxx. An Act to confer further Powers on the *Cheltenham* Gaslight and Coke Company.

xxxi. An Act for continuing the Term and amending the Provisions of the Act for making and maintaining a Turnpike Road from the Town of *Crowland* in the County of *Lincoln* to the Town of *Eye* in the County of *Northampton*.

xxxii. An Act to extend the Municipal Boundaries of the City of *Edinburgh*, to transfer the Powers of the Commissioners of Police to the Magistrates and Council, and for other Purposes relating to the Municipality of the said City.

xxxiii. An Act to authorize the *Cork and Youghal* Railway Company to extend their Railway into *Cork*, and for other Purposes.

xxxiv. An Act for altering the Name of the *Banbridge, Newry, Dublin, and Belfast Junction* Railway Company to the Name "The *Banbridge Junction* Railway Company," for increasing their Capital and extending their Powers, and for other Purposes.

xxxv. An Act for enlarging and improving the Justiciary Court House, and Court Houses and Public Buildings of the City of *Glasgow* and County of *Lanark*, for erecting additional Buildings, for amending the Act relating thereto, and for other Purposes.

xxxvi. An Act for making better Provision for supplying the Districts of *Dewsbury*, *Batley*, and *Heckmondwike* with Water, and for confirming an Agreement between the Local Boards of Health of those Districts; and for other Purposes.

xxxvii. An Act for the Continuance and Regulation of the *Kettering and Newport Pagnell* Turnpike Road Trust.

xxxviii. An Act to amend the Provisions and extend the Limits of the Act relating to the City of *Coventry* Gaslight Company.

xxxix. An Act to authorize the making of a Turnpike Road from the Township of *Thornaby* to *Middlesbrough* in the North Riding of the County of *York*, with a Bridge over a Creek or Arm of the River *Tees*, and for other Purposes.

xl. An Act to authorize the making of a Railway from the *Great North of Scotland* Railway to *Alford* in the County of *Aberdeen*, to be called "The *Alford Valley* Railway."

xli. An Act to amend "The *Saint Ives and West Cornwall Junction* Railway Act, 1853."

xlii. An Act to make further Provision for supplying with Water the Borough of *Shrewsbury* in the County of *Salop*.

xliii. An Act to amend an Act passed in the 7th and 8th Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to alter, amend, and enlarge the Powers and Provisions of an Act relating to the Road from* Barnsdale *through* Pontefract *to* Thwaite Gate *near* Leeds *in the West Riding of the County of* York, and to continue the Term thereby granted.

xliv. An Act for regulating the Capital of the *Fleetwood, Preston, and West Riding Junction* Railway Company, for making further Provision with respect to Tolls to be taken on the Railway, and for other Purposes.

xlv. An Act for making a Railway from the *Chester and Holyhead* Railway at or near to *Rhyl* in the County of *Flint* to the Town of *Denbigh* in the County of *Denbigh*, to be called "The *Vale of Clwyd* Railway."

xlvi. An Act to discontinue the taking of Toll on the Turnpike Roads leading from the Town of *Antrim* towards *Coleraine*, and to provide for the future Maintenance of such Roads.

xlvii. An Act to amend and consolidate the Acts relating to the *Shrewsbury and Hereford* Railway Company, to enable that Company to raise further Sums of Money, to acquire additional Lands; and for other Purposes.

xlviii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cork* to remove certain Bridges, and to build new Bridges in lieu thereof; to confirm certain Arrangements with the *Cork* Pipe Water Trustees; to provide the necessary Funds for affording an improved Supply of Water at *Cork;* to alter, amend, and enlarge certain Powers and Provisions of the *Cork* Improvement Act, 1852; and for other Purposes.

xlix. An Act to amend and extend the Provisions of the several Acts relating to the *Knaresbrough and Green Hammerton* Turnpike Road in the County of *York*, and to create a further Term therein; and for other Purposes.

l. An Act to amend and extend the Provisions of the Act relating to the *Knaresbrough and Pateley Bridge* Turnpike Road, and to create a further Term therein, and for other Purposes.

li. An Act for regulating the Capital and Mortgage Debt of the *Eastern Counties* Railway Company; and for other Purposes.

lii. An Act for extending the Time for the completion of the Works authorized by "The *Hampstead Junction* Railway Act, 1853."

liii. An Act for making a Railway from *Lowestoft* to join the *East Suffolk* Railway in the Parish of *Beccles*, all in the County of *Suffolk*, and for other Purposes connected therewith.

liv. An Act to enable the *Midland* Railway Company to raise additional Capital, and for other Purposes.

lv. An Act for more effectually repairing the Road from *Barnby Moor* in the County of *Nottingham* to *Maltby* in the County of *York*, and from *Whiston* to *Rotherham* in the said County of *York*.

lvi. An Act for better paving the City of *Glasgow*, and for other Purposes in relation to the Statute Labour of the said City.

lvii. An Act for the Transfer of the *Wolverhampton* Waterworks to the *Wolverhampton* New Waterworks Company, and for other Purposes.

lviii. An Act for repairing the Road from *Blackburn* in the County Palatine of *Lancaster* to *Addingham* and *Cocking End* in the West Riding of the County of *York*, and the Road from *Old Accrington* to its Junction with such Road in *Habergham Eaves* in the said County of *Lancaster*.

lix. An Act to incorporate "The *West Ham* Gas Company," to enable them to raise further Money, to confirm a Contract between the said Company and the *Commercial* Gas Company; and for other Purposes.

lx. An Act to continue the *Honiton and Sidmouth* Turnpike Trust, and for other Purposes.

lxi. An Act for making a Railway from the *Chappel* Station of the *Colchester, Stour Valley, Sudbury, and Halstead* Railway to *Halstead* in the County of *Essex*, and for other Purposes.

lxii. An Act to incorporate "The *Wandsworth and Putney* Gaslight and Coke Company," and for other Purposes.

lxiii. An Act to authorize the *North British* Railway Company to raise more Money, and to build a Bridge over *Leith Wynd* in *Edinburgh*, and for other Purposes.

lxiv. An Act for more effectually repairing the Road from *Penrith*

Penrith to *Cockermouth*, and other Roads connected therewith, and for making and maintaining several new Roads, all in the County of *Cumberland*.

lxv. An Act to consolidate the Drainage Trusts in *Deeping Fen* in the County of *Lincoln*, and for other Purposes relating to the said Fen.

lxvi. An Act for more effectually repairing certain Roads in the County of *Chester*, of which the Short Title is "*Stockport and Warrington* Road Act, 1856."

lxvii. An Act for enlarging and improving the *Elgin and Lossiemouth* Harbour, for raising a further Sum of Money, and for other Purposes.

lxviii. An Act to enable the *Carmarthen and Cardigan* Railway Company to make a Deviation of a Portion of their Line of Railway, and to abandon Parts thereof, and to grant further Powers to the Company; and for other Purposes.

lxix. An Act to enable the *Luton, Dunstable, and Welwyn Junction* Railway Company to alter the present authorized Junction of their Railway with the *Leighton Buzzard and Dunstable* Branch of the *London and North-western* Railway; and for other Purposes..

lxx. An Act for incorporating the *Scottish* Drainage and Improvement Company, and to afford greater Facilities for the Improvement of Land in *Scotland*.

lxxi. An Act for making a Railway from *Lymington* in the County of *Southampton* to the *London and South-western* Railway at *Brockenhurst* in the same County, to be called the "*Lymington* Railway," with a Landing Place at *Lymington* aforesaid, and for other Purposes.

lxxii. An Act to repeal the Acts relating to the *Brough and Eamont Bridge* Turnpike Road, and to make other Provisions in lieu thereof.

lxxiii. An Act to renew the Term, and continue, amend, and enlarge the Powers, of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing and amending the Roads from* Donington High Bridge *to* Hale Drove, *and to the Eighth Milestone in the Parish of* Wigtoft, *and to* Langret Ferry *in the County of* Lincoln.

lxxiv. An Act for supplying with Water the Inhabitants of *Clay Cross*, and the Neighbourhood, in the County of *Derby*.

lxxv. An Act for making a Railway from *Sittingbourne* to *Sheerness*, all in the County of *Kent*; and for other Purposes.

lxxvi. An Act to enable the *Eastern Counties* and *London and Blackwall*

Blackwall Railway Companies to extend the *London, Tilbury, and Southend Extension* Railway to the *London and Blackwall* Railway, with Branches therefrom, and to authorize certain Arrangements with reference thereto; and for other Purposes.

lxxvii. An Act to authorize the Division of the Borough of *Middlesbrough* into Wards; to enable the Local Board of Health of the District of *Middlesbrough* to purchase Gasworks and light the District, and to enlarge the Market Place; to enable the Corporation to establish a public Wharf, and a Passage over the River *Tees;* to confer other Powers on the Local Board and the Corporation; and for other Purposes.

lxxviii. An Act for the better supply of the Town of *Torquay* and the Neighbourhood thereof with Water, and for other Purposes.

lxxix. An Act for making a Railway from *Yarmouth* to the *East Suffolk* Railway in the Parish of *Haddiscoe*, with a Branch Railway connected therewith, and for other Purposes.

lxxx. An Act to sanction a Supply of Water to the Town and Neighbourhood of *Leeds* from the River *Wharfe.*

lxxxi. An Act to attach further Advantages to certain Portions of the Capital of the *Eastern Union* Railway Company.

lxxxii. An Act to repeal *An Act for amending and maintaining the Turnpike Road from* Bawtry *through the Town of* Tinsley *to the Road from* Rotherham *to* Sheffield *in the West Riding of the County of* York, and to make other Provisions in lieu thereof.

lxxxiii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Godley Lane* Turnpike Road in the West Riding of the County of *York.*

lxxxiv. An Act to repeal the Act relating to the Turnpike Roads from *Halifax* to *Huddersfield* in the West Riding of the County of *York,* and to grant a further Term in the said Roads, and further Powers for the Management thereof, and other Purposes.

lxxxv. An Act for carrying into effect certain Arrangements between the Trustees of the *Renfrewshire* Turnpike Roads and the Lord Provost, Magistrates, and Council, and Police and Statute Labour Committee, of *Glasgow;* and for continuing in other respects the Acts relating to the said Roads.

lxxxvi. An Act to enable the *Morayshire* Railway Company to

construct

construct a Railway from *Orton* to *Craigellachie*, and for other Purposes.

lxxxvii. An Act for authorizing Traffic Arrangements between the *West End of London and Crystal Palace* and the *London, Brighton, and South Coast* Railway Companies, the Regulation and Increase of Capital, and for other Purposes.

lxxxviii. An Act to afford Facilities to the *Bagenalstown and Wexford* Railway Company for raising the Funds necessary to enable them to execute their Undertaking, and for other Purposes.

lxxxix. An Act for more effectually repairing several Roads leading to and from the Town of *Monmouth*, and for making several Lines of Road to communicate therewith, in the Counties of *Monmouth, Gloucester,* and *Hereford.*

xc. An Act for the Improvement of Part of the District of *St. Peter Bournemouth* in the Parishes of *Christchurch* and *Holdenhurst* in the County of *Southampton*, and for providing a Pier there.

xci. An Act for better supplying with Water the City of *Edinburgh* and Town and Port of *Leith*, and places adjacent.

xcii. An Act for making a Railway from the *Epsom* Branch of the *London, Brighton, and South Coast* Railway at *Epsom* to *Leatherhead.*

xciii. An Act for incorporating the *Salisbury* Railway and Market House Company; for authorizing them to make and maintain a Railway and a Market House at *Salisbury;* and for other Purposes.

xciv. An Act for making a Railway from the *Stocksfield* Station of the *Newcastle-upon-Tyne and Carlisle* Railway to the *Stockton and Darlington* Railway, near *Conside* Ironworks, with a Branch to the *Derwent* Iron Company's Railway; and for other Purposes.

xcv. An Act to enable the *Swansea Vale* Railway Company to make Extension and Branch Railways, and for other Purposes.

xcvi. An Act to repeal the Act for more effectually making, straightening, repairing, and improving the Roads from near the Town of *Lewes* to *Polegate* in the Parish of *Hailsham*, and from thence to *Eastbourne*, and to *Polegate* to *Hailsham Common*, in the County of *Sussex*, and to make other Provisions in lieu thereof.

xcvii. An Act for making and maintaining a Turnpike Road from *Conway* to *Llandudno* in the County of *Carnarvon*, and for other Purposes.

xcviii. An Act for making a Railway from *Dunfermline* to *Killairnie*

Killairnie with a Branch to *Kingseat* in the County of *Fife*, to be called "The *West of Fife Mineral* Railway."

xcix. An Act for making a Railway from the Town of *Maybole* to the Town and Harbour of *Girvan*, to be called "The *Maybole and Girvan* Railway."

c. An Act for making a Railway from the *South Wales* Railway near *Brimspill* in the Parish of *Awre* to *Howbeach Valley* in the *Forest of Dean*, with Branches; and for other Purposes.

ci. An Act for incorporating the *Ceylon* Railway Company, and for other Purposes connected therewith.

cii. An Act for enabling the *Somerset Central* Railway Company to construct a Railway from *Glastonbury* to near *Bruton*, and for other Purposes.

ciii. An Act for more effectually repairing the Road leading from *Wen* to the Lime Rocks at *Bronygarth* in the County of *Salop*, and for making several Lines of Road connected with the same in the Counties of *Salop* and *Denbigh*

civ. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Cleobury North and Ditton Priors* District and the *Cleobury Mortimer* District of Turnpike Roads, in the Counties of *Salop* and *Worcester*.

cv. An Act for authorizing a Lease of the *Wimbledon and Croydon* Railway, and for authorizing the Purchase of additional Lands and the raising of additional Capital by the *Wimbledon and Croydon* Railway Company; and for other Purposes.

cvi. An Act to enable the *Stirling and Dunfermline* Railway Company to create additional Shares in their Undertaking; and for other Purposes.

cvii. An Act to amend the constitution of "The *London* Printing and Publishing Company, Limited."

cviii. An Act to amend certain Acts relating to the *Luton* District Turnpike Road, and make other Provisions in lieu thereof.

cix. An Act to extend the Times limited for certain Purposes by the Acts relating to the *Metropolitan* Railway, and to enable the *Metropolitan* Railway Company to form a Junction with the *Great Northern* Railway, and for other Purposes.

cx. An Act for making a Railway from the Town of *Nairn* to the Town of *Keith*.

cxi. An Act for authorizing Deviations from the authorized Line of the *Severn Valley* Railway, and for making further Provision with respect to Shares in the Capital of the

Severn Valley Railway Company, and for facilitating the Completion of their Undertaking, and for other Purposes.

cxii. An Act for establishing and maintaining a Ferry and Floating Bridge between *Stokes Bay* and *Ryde* in the County of *Southampton*, with Landing Places and Approaches thereto.

cxiii. An Act for making a Railway from the *Scottish Central* Railway at *Dunblane* by *Doune* to *Callander*, to be called "The *Dunblane, Doune, and Callander* Railway."

cxiv. An Act for making a Railway from *Castle Douglas*, by *Dalbeattie*, to the *Glasgow and South-western* Railway at *Dumfries*, and for other Purposes.

cxv. An Act for granting further Powers for lighting, cleansing, sewering, and improving the Borough of *Leeds*, and for other Purposes.

cxvi. An Act for regulating the Rates and Charges to be taken by the *Grand Junction* Waterworks Company for a Supply of Water to Parts of the Parish of *Paddington*, and for other Purposes.

cxvii. An Act to grant further Powers to the *Crystal Palace* Company for the raising of Capital, for the internal Management of their Undertaking, and with respect to *Dulwich Wood*.

cxviii. An Act to consolidate the Powers of the *Gloucester* Gaslight Company, to enable them to raise Money, and for other Purposes.

cxix. An Act for the making of a Dock and Works at *Thames Haven*, and for other Purposes.

cxx. An Act for the making by the *London and South-western* Railway Company of a Railway from *Yeovil* to *Exeter*, to be called "The *Exeter Extension* Railway;" and for other Purposes.

cxxi. An Act to amend the Acts relating to the *East Indian* Railway Company.

cxxii. An Act for making a Railway from the *Taff Vale* Railway to the River *Ely* in the County of *Glamorgan*, for converting Part of the said River into a tidal Harbour and regulating the Access thereto, for authorizing Arrangements with the *Taff Vale* Railway Company; and for other Purposes.

cxxiii. An Act for altering the *Crewe and Shrewsbury* Line of the *London and North-western* Railway, for making Provision with respect to Station Accommodation at *Shrewsbury*, and for other Purposes.

cxxiv. An Act to enable the *Londonderry and Enniskillen* Railway Company to create Preference Shares with Priority of Dividend over all the existing Shares of the Company, and for other Purposes.

cxxv. An Act for making a Railway from the authorized Line of the *West End of London and Crystal Palace* Railway (Extension to *Bromley* and *Farnborough*) at *Shortlands* in the Parish of *Beckenham* in the County of *Kent* to *Saint Mary Cray* in the same County.

cxxvi. An Act to extend the Time limited for completing the *Oxford, Worcester, and Wolverhampton* Railway, and for adapting the same to the Broad Guage, and for other Purposes.

cxxvii. An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually amending and keeping in repair the Roads from the Town of* Uttoxeter *to the Town of* Newcastle-under-Lyme *in the County of* Stafford, *so far as relates to the* Uttoxeter *District of the said Roads, and for making certain new Pieces of Road to communicate therewith, all in the said County of* Stafford, and to confer larger and additional Powers and Provisions in lieu of those therein contained; and for other Purposes.

cxxviii. An Act to amend *An Act for draining, embanking, and improving the Fen Lands and Low Grounds within the Parishes, Hamlets, Townships or Places of* Bardney, Southrow *otherwise* Southry, Tupholme, Bucknall, Horsington, Stixwould Edlington, *and* Thimbleby, *in the County of* Lincoln, and to confer further Powers on the Commissioners under such Act; and for other Purposes.

cxxix. An Act to revive and extend certain of the Powers of the *Waveney Valley* Railway Company with relation to their Railway.

cxxx. An Act for authorizing the Abandonment of Parts of the authorized Lines of the *Westminster Terminus* Railway, and the making of other Lines of Railway in lieu thereof, and for reducing the Capital of the *Westminster Terminus* Railway Company; and for other Purposes.

cxxxi. An Act to render more effectual the Powers of raising Money given by "The *Severn* Navigation Act, 1853," and for other Purposes.

cxxxii. An Act for making a Railway from the *Oswestry and Newtown* Railway in the Parish of *Buttington* in the County of *Montgomery* to *Shrewsbury*, with a Branch thereout to *Minsterley* in the County of *Salop*, and for other Purposes.

cxxxiii. An Act for extending the Operations of the Society for the Discharge and Relief of Persons imprisoned for small Debts throughout *England* and *Wales*.

cxxxiv. An Act to unite and amalgamate the Undertaking of the *Scottish Midland Junction* Railway Company with the Undertaking of the *Aberdeen* Railway Company, to be thenceforth called "The *Scottish North-eastern* Railway Company," and to regulate the Management of and confer additional Powers on the United Company, and for other Purposes.

cxxxv. An Act for making a Railway from the *Southampton and Dorchester* Railway to *Blandford Saint Mary* in the County of *Dorset*, and for other Purposes.

cxxxvi. An Act for making a Railway from the *Scottish Midland Junction* Railway, near the *Dunkeld* Road Bridge, to *Methven*, in the County of *Perth*.

cxxxvii. An Act to enable the *Oxford, Worcester, and Wolverhampton* Railway Company to raise further Money for the Completion of the Broad Guage, and for other Purposes; and to convert their Mortgage Debt into Stock.

cxxxviii. An Act to provide for the Arrangement of the Financial Affairs of the City of *Perth*, for the Maintenance of the Port and Harbour; and for other Purposes therewith connected.

cxxxix. An Act to enable the *Scottish Central* Railway Company to make Branch Railways to the Town of *Denny* in the county of *Stirling*.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to amend an Act made and passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to divide the Parish and Rectory of* Doddington *otherwise* Dornington *into Three separate and Distinct Parishes and Rectories, and to endow the same out of the Revenues of that Rectory, and to make Provisions for the further Division of such Rectories and Parishes, and for other Purposes connected therewith.*

2. An Act for continuing in force, during the Minority of Mrs *Clara Clarke Thornhill*, the Wife of *William Capel Clarke Thornhill*,

Thornhill, of *Swakeleys* in the County of *Middlesex*, Esquire, The Powers conferred by "*Thornhill's* Estate Act, 1852," and "*Thornhill's* Estate Act, 1854," and for other Purposes.

3. An Act for authorizing the Trustees under the Will of *William Wainman*, Esquire, deceased, to grant Leases, and to make Sales, Exchanges, and Partition of the Real Estates devised by or subject to the Trusts of the same Will; and for other Purposes.
4. An Act for giving effect to a Compromise relating to the Estate of the Most Noble *George* Fourth Duke of *Marlborough*, deceased, and, with a view thereto, for extinguishing the demisable Quality of certain Copyhold Hereditaments, Parcels of the Manors comprised in the Estates and Hereditaments settled on the Dukedom, and for creating a Term of Years in a Portion of the said Copyhold Hereditaments.
5. An Act to authorize Sir *Lionel Milborne Swinnerton* Baronet and his Issue to assume and bear the Surname of *Pilkington* jointly with the Surnames of *Milborne* and *Swinnerton*, and to be called by the Surnames of *Milborne Swinnerton Pilkington.*
6. An Act for vesting in Trustees the undivided Parts, subject to the Limitations of the Wills of *Benjamin Ingham* deceased and *Joshua Ingham* deceased respectively, of Estates in the West Riding of the County of *York*, and for authorizing Partitions of Parts of those Estates, and for authorizing Leases and Sales of Parts of those Estates, and for other Purposes.
7. An Act to authorize the granting of Leases of Parts of the Freehold, Copyhold, and Leasehold Estates of the Late *Leonard Lewen Wheatley* Esquire, situate in the several Parishes of *Saint Lawrence* and *Saint Peter the Apostle* in the *Isle of Thanet*, of *Meopham near Gravesend*, and *Ash next Sandwich*, and elsewhere in the County of *Kent*, and within the Manor of *Stepney* otherwise *Stebunheath Ratcliffe* in the Parish of *Saint Dunstan Stepney*, and elsewhere in the County of *Middlesex.*
8. An Act to enable the Trustees of the Will of *Matthew Butterwick* Esquire to sell the Rectory and Tithes of *Thirsk* held by Lease for Lives under the Archbishop of *York*, and certain Policies of Assurance, and for the Investment of the Proceeds, and for other Purposes; of which the Short Title is "*Butterwick's* Estate Act, 1856."
9. An Act for enabling Leases for Mining, Agricultural, and Building Purposes to be made of the Estates of *John Walmesley* Esquire, deceased, and Sales of Portions thereof, and

and for other Purposes; the Short Title of which is "*Walmesley's* Estate Act, 1856."

10. An Act for enabling Leases and Sales to be made of Lands and Hereditaments in the Counties of *Northumberland* and *Durham* belonging to the Families of *Thornton* and *Croft*, and for other Purposes; called "The *Thornton and Croft* Estate Act, 1856."
11. An Act for vesting in Trustees the Estates of the late *Sarah Reddall*, deceased, situate in the County *Northampton* known as the *Dallington* Estate, for the Purpose of enabling Leases, Sales, Exchanges, and Partitions to be made of the same; and for other Purposes.
12. An Act to enable the Trustees of the Will of *John Bell* Esquire to sell a Leasehold Estate for Lives in the County of *York*, known as "*Wildon Grange*," held of the Archbishop of *York*, and for the Re-investment of the Proceeds in the Purchase of Real Estates of Inheritance: of which the Short Title is "*Bell's* Estate Act, 1856."
13. An Act to amend and enlarge the Powers of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for authorizing the Trustees of the late* Thomas Gordon *to sell his Estates of* Cairness *and others in the County of* Aberdeen, *and to apply the Price thereof in Payment of the Debts and Burdens affecting the same, and for laying out the Residue of the Price in the Purchase of other Lands to be entailed, in Terms of the Trust Deed of Settlement by the said* Thomas Gordon; *and for other Purposes.*
14. An Act for enabling Partitions, Sales, Exchanges, and Leases to be made of certain Parts of the Estates devised by the Will of Sir *John William Head Brydges*, deceased, and for other Purposes.

PRIVATE

PRIVATE ACTS,

NOT PRINTED.

15. An Act to enable *George Shipton* Clerk to exercise his Office of Priest, and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.
16. An Act to dissolve the Marriage of *John Talbot* Esquire with *Marianne* his now Wife, and to enable him to marry again; and for other Purposes.
17. An Act to dissolve the Marriage of *Madgwick Spicer Davidson* Gentleman with *Katharine Anne* his now Wife, and to enable the said *Madgwick Spicer Davidson* to marry again; and for other Purposes therein mentioned.

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

ASSOCIATIONS, Incorporation and Regulation of Joint-Stock Companies and other . . . . . . Cap. 47. 36

BANKS (Savings), to make further Provision for the Establishment of, for Seamen . . . . Cap. 41. 31
——— (Joint Stock), to extend the Period for granting Letters Patent of Incorporation to . . . . . Cap. 3. 2
Bankers, to amend the Law relating to Drafts on . . Cap. 25. 13
Bankruptcy, to consolidate and amend the Laws relating to Cap. 79. 163
Beer, to repeal and re-impose the Excise Duty on Sugar used in brewing Cap. 34. 17
Burgh Registration; to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs . . . . Cap. 58. 133

CHEQUES. *See* Drafts on Bankers.
Chelsea and Greenwich Hospitals, for further regulating the Payment of the Out-Pensioners of . . . . . Cap. 15. 9
Commerce and Trade, to amend the Laws affecting . . Cap. 60. 153
Commissioners of Supply, to constitute all legally qualified Persons without being named in an Act of Supply . . . . Cap. 93. 246
Companies (Joint Stock), Incorporation and Regulation of . Cap. 47. 36
Corrupt Practices Prevention Act, 1854, to continue . Cap. 84. 239
Court of Session, to constitute, the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer . Cap. 50. 100
——— Exchequer; to constitute the Court of Session the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer . . . . Cap. 56. 100
Customs Duties, further Alteration and Amendment of . Cap. 75. 159

DEBTS (Securities for), to amend and re-enact certain Provisions of the Act 54 Geo. III., relating to Judicial Procedure and . Cap. 91. 242
——— (Civil), to exempt Imprisonments under the Act 5 Geo. IV. c. 96, from the Operation of the Act abolishing Imprisonment for Cap. 46. 34
Deeds, to abolish certain unnecessary Forms in the framing of Cap. 89. 241
Distillation of Spirits, to permit the use of Rice in the . Cap. 51. 99
Drafts on Bankers, to amend the Law relating to . . Cap. 25. 13

Page

Drainage and Improvement of Land, to amend the Acts relating to the Advance of Public Money to promote the . . Cap. 9. 3
Duty on Race-horses, to repeal and re-impose under new Regulations the Cap. 82. 235
Duties of Customs, further Alteration and Amendment of the Cap. 75. 159

ELECTION of Members of Parliament, to amend the Law for the Registration of Persons entitled to vote in the, for Burghs . Cap. 58. 133
——— to continue the Corrupt Practices Prevention Act, 1854 Cap. 84. 239
Evidence; to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals . . . . Cap. 113. 278
Exchequer (Court of); to constitute the Court of Session the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer . . . . Cap. 56. 100

FACTORIES, for the further Amendment of the Laws relating to Labour in Cap. 38. 29
Foreign Tribunals, to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Cap. 113 278
Forms; to abolish certain unnecessary Forms in the framing of Deeds Cap. 89. 241

GREENWICH and Chelsea Hospitals, for further regulating the Payment of the Out-Pensioners of . . . . Cap. 15. 9

HEALTH of Towns; to make better Provision for the Removal of Nuisances, Regulation of Lodging-Houses, and the Health of Towns Cap. 103. 251
Horses (Race), to repeal and re-impose under new Regulations the Duty on Cap. 82. 235
Houses (Lodging); to make better Provision for the Removal of Nuisances, Regulation of Lodging-Houses, and the Health of Towns Cap. 103. 251

INCOME Tax, to grant Relief in Assessing on Lands in respect of certain Public Burdens . . . . Cap. 80. 232
Incorporation and Regulation of Joint Stock Companies . Cap. 47. 36
Imprisonments, to exempt, under the Act 5 Geo. IV. c. 96, from the Operation of the Act abolishing Imprisonment for Civil Debts of small Amount . . . . Cap. 44. 34
Improvement of Land, to amend the Acts relating to the Advance of Public Money to promote the . . . . . Cap. 9. 3

JOINT Stock Banks, to extend the Period for granting Letters Patent of Incorporation to . . . . Cap. 3. 2
——— Companies, Incorporation and Regulation of . Cap. 47. 36
Judicial Procedure; to amend and re-enact certain Provisions of the Act 54 Geo. III., relating to Judicial Procedure and Securities for Debts Cap. 91. 242
Justices of Peace, amending Procedure before Magistrates and Cap. 48. 97

LABOUR in Factories, for the further Amendment of the Laws relating to Cap. 38. 29
Lands; to grant Relief in Assessing the Income Tax on Lands in respect of certain Public Burdens . . . . . . Cap. 80. 232
——— to amend the Acts relating to the Advance of Public Money to promote the Improvement of . . . . Cap. 9. 3
Limited Liability; Incorporation and Regulation of Joint Stock Companies Cap. 47. 36
Lodging Houses; to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns Cap. 103. 251

Page

MAGISTRATES, amending Procedure before Justices of Peace and Cap. 48. 97
Marriage, for amending the Law of . . . . . Cap. 96. 249
——— and Registration Acts, to amend . . . . Cap. 119. 282
Members of Parliament, to amend the Law for the Registration of Persons entitled to vote in the Election of, for Burghs . . Cap. 58. 133
——— to continue the Corrupt Practices Prevention Act, 1854 Cap. 84. 239
Mercantile Law Amendment . . . . . . Cap. 60. 153
Money (Public), to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land . . . Cap. 9. 3

NUISANCES; to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns Cap. 103. 251

PARLIAMENT (Members of), to continue the Corrupt Practices Prevention Act, 1854 . . . . Cap. 84. 239
——— to amend its Law for the Registration of Persons entitled to vote in the Election of, for Burghs . . . . Cap. 58. 133
Pawnbrokers, to amend the Acts relating to . . . Cap. 27. 14
Peace (Justices of), amending Procedure before Magistrates and Cap. 48. 97
Pensioners (Out); for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals . . . Cap. 15. 9
Poor, to amend the Law relating to the Relief of the . Cap. 117. 280
Procedure, amending, before Magistrates and Justices of Peace in Scotland Cap. 48. 97
——— (Judicial), to amend and re-enact certain Provisions of the Act. 54. Geo. III. relating to Judicial Procedure and Securities for Debts Cap. 91. 242
——— constituting the Court of Session the Court of Exchequer in Scotland, and to regulate Procedure in Matters connected with the Exchequer . . . . Cap. 56. 100
Public Health; making better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns Cap. 103. 251

RACE-HORSES, to repeal and reimpose under new Regulations the Duty on . . . . Cap. 82. 235
Registration; to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs Cap. 58. 133
——— and Marriage Acts, to amend . . . . Cap. 119. 282
Regulation and Incorporation of Joint Stock Companies . Cap. 47. 36
Relief of the Poor, to amend the Law relating to the . Cap. 117. 280
Removal of Nuisances; to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns Cap. 103. 251
Rice, to permit the use of, in the Distillation of Spirits . Cap. 51. 99

SAVINGS Banks, to make further Provision for the Establishment of, for Seamen . . . . Cap. 41. 31
Seamen, to make further Provision for the Establishment of Savings Banks for . . . . Cap. 41. 31
Securities for Debts, to amend and re-enact certain Provisions of the Act 54 Geo. III. relating to Judicial Procedure and . . Cap. 91. 242
Session (Court of), to constitute, the Court of Exchequer, and to regulate Procedure in Matters connected with the Exchequer . Cap. 56. 100
Sequestration; to consolidate and amend the Laws relating to Bankruptcy Cap. 79. 163
Spirits, to permit the Use of Rice in the Distillation of . Cap. 51. 99
Stock (Joint) Companies, Incorporation and Regulation of . Cap. 47. 36
Supply (Commissioners of), to constitute all legally qualified Persons, without being named in an Act of Supply . . . Cap. 93. 246

TAX (Income), to continue the Act for extending for a limited Time the Provision for Abatement of, in respect of Insurance on Lives Cap. 34. 17

		Page
Tax (Income), to grant Relief in assessing on Lands in respect of certain Public Burdens	Cap. 80.	232
Towns (Health of); to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns	Cap. 103.	251
Trade and Commerce, to amend the Laws affecting . .	Cap. 60.	153
VOTERS, Registration of, in Burghs	Cap. 58.	133

INDEX

TO

THE PUBLIC GENERAL STATUTES.

19° & 20° VICTORIÆ.

U.K. Denotes that the Act is applicable to the United Kingdom.
G.B. " " " " " Great Britain.
E. " " " " " England.
S. " " " " " Scotland.
I. " " " " " Ireland.
W. " " " " " Wales.

	Cap.	relating to
ACTS of Parliament; to repeal certain Statutes which are not in use,	64.	E. & I.
Admiralty, to transfer the Government of the Coast-Guard to the	83.	G. B. & I.
Advowsons; to enable Parishioners and others to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, and other Purposes	50.	E.
Aldershot, to extinguish certain Rights of Way, and to stop up certain Roads and Paths near the Camp at	66.	E.
Annuities; to authorize Issues out of the Consolidated Fund, for the Redemption of certain Annuities charged on Branches of the gross Revenue	43.	U.K.
—— for raising the further Sum of £5,000,000 by way of	21.	U.K.
—— for raising £5,000,000 by way of	6.	U.K.
—— for raising Money by way of, and funding Exchequer Bills	5.	U.K.
Appeal; to constitute a Court of Appeal in Chancery, and to amend the Law relating to appeals from the Incumbered Estates Court	92.	I.
Army; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	10.	U.K.
Assessed Taxes, to amend the Laws relating to the	80.	S.
Associations, for the Incorporation and Regulation of Joint Stock Companies and other	47.	G. B. & I.
BANKS (Joint Stock), to amend the Law with respect to the Election of Directors of	100.	E.

	Cap.	relating to
Banks in Scotland, to extend the Period for granting Letters Patent of Incorporation to	3.	S.
——— (Savings), to make further Provision for the Establishment of, for Seamen	41.	U.K.
Bankers; to continue certain Compositions payable to Bankers who have ceased to issue Bank Notes	20.	E.
———, to amend the Law relating to Drafts on . . .	25.	U.K.
Bankruptcy, to consolidate and amend the Laws relating to .	79.	S.
Beer, to repeal and re-impose the Excise Duty on Sugar used in brewing	34.	G. B. & I.
Bishop Auckland, to confirm Provisional Orders of the General Board of Health for Alteration of the Boundaries of the District of	26.	E.
Bishops of London and Durham, to provide for the Retirement of the present	115.	E.
Board of Health, to continue	85.	E.
——— to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Waterloo with Seaforth, West Ham, Sowerby Bridge, and Moss-side; for Alteration of the Boundaries of the Districts of Rusholme and Bishop Auckland	26.	E.
Burgh Registration; to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament	58.	S.
Burial of the Dead, to amend the Laws relating to . .	98.	I.
CAMBRIDGE University; to make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton	88.	E.
Canada Company, for granting certain additional Powers and Authorities to the	23.	U.K.
Capitular and Episcopal Estates, to continue the Act to facilitate the Management and Improvement of	74.	E.
Cattle; to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals	101.	G. B. & I.
Central Criminal Court, to empower the Court of Queen's Bench to order certain Offenders to be tried at the . . .	16.	E.
Chancery; to constitute a Court of Appeal in Chancery, and to amend the Law relating to Appeals from the Incumbered Estates Court	92.	I.
——— (Court of) in Ireland, to amend the Law and Practice of, in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court .	77.	I.
Charitable Trusts Acts, to continue for a limited Time the Exemption of certain Charities from the Operation of the . .	76.	E.
Charity Commissioners, for confirming a Scheme of the, for Saint Mary Magdalen Hospital near Bath	45.	E.
———, for confirming a Scheme of the, for the Endowed School at Moulton in the County of Lincoln	53.	E.
———, for confirming a Scheme of the, for Stoke Poges Hospital in the County of Bucks	111.	E.
Chelsea and Greenwich Hospitals, for further regulating the Payment of the Out-Pensioners of	15.	U.K.
Children (Criminal and Vagrant), to amend the Mode of committing, to Reformatory and Industrial Schools . . .	109.	G.B.
——— (Vagrant), to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of	28.	S.

	Cap.	relating to
Church Building Commissioners, for transferring the Powers of, to the Ecclesiastical Commissioners	55.	E.
Coasts, to provide for the better Defence of the, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast-Guard	83.	G. B. & I.
Coatham Church; to render valid certain Marriages in the Church at Coatham in the Parish of Kirk Leatham, in the County of York	70.	E.
Commerce and Trade, to amend the Laws of England and Ireland affecting	97.	E. & I.
———, to amend the Laws of Scotland affecting	60.	S.
Commissioners of Supply, to constitute all legally qualified Persons, without being named in an Act of Supply	93.	S.
Committee of Council on Education, for the Appointment of a Vice-President of the	116.	E.
Commons (House of), to regulate certain Offices of the	1.	U.K.
Common Law, to further amend the Procedure in the Superior Courts of	102.	I.
Consolidated Fund, to authorize for a further Period the Advance of Money out of, for carrying on Public Works and Fisheries, and for the Employment of the Poor	17.	G. B. & I.
———, to authorize Issues out of, for the Redemption of certain Annuities charged on Branches of the Gross Revenue	43.	U.K.
———, to apply a Sum out of, and the Surplus of Ways and Means to the Service of the Year 1856, and to appropriate the Supplies granted in this Session of Parliament	105.	U.K.
———, to apply the Sum of £26,000,000 out of, to the Service of the Year 1856	7.	U.K.
———, to apply the Sum of £1,631,005, 1s. 5d. out of, to the Service of the Year ending 31st March 1856	4.	U.K.
Corrupt Practices Prevention Act, 1854, to continue	84.	G. B. & I.
County Courts, to amend the Acts relating to the	108.	E.
Court of Chancery in Ireland, to amend the Law and Practice of, in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court	77.	I.
——— Queen's Bench; to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court	16.	E.
Courts of Common Law, to further amend the Procedure in, and to enlarge the Jurisdiction of the Superior	102.	I.
——— (County), to amend the Acts relating to the	108.	E.
Criminal Children, to amend the Mode of committing to Reformatory and Industrial Schools	109.	G.B.
——— Justice, to amend the Act of the last Session of Parliament for diminishing Expense and Delay in the Administration of	118.	E.
Customs (Duties of), for the further Alteration and Amendment of the Laws and	75.	U.K.
DEAD, to amend the Laws relating to the Burial of the	98.	I.
Debts, to amend and re-enact certain Provisions of an Act 54 Geo. 3. relating to Judicial Procedure and Securities for	91.	S.
——— (Civil); to exempt Imprisonments under the Act 5 Geo. 4. c. 96, from the Operation of the Act abolishing Imprisonment for Civil Debts of small Amount	46.	G.B.
Deeds, to abolish certain unnecessary Forms in the framing of	89.	S.
Delamere Forest; to make Provision for the Management of certain Lands within the former Limits of the late Forest of Delamere in the County of Chester	13.	E.
Desertion; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	10.	U.K.

	Cap.	Relating to
Disorders (Infectious), to continue certain Acts to prevent the spreading of, among Sheep, Cattle, and other Animals	101.	U.K.
Distillation of Spirits, to permit the Use of Rice in the	51.	U.K.
Drafts on Bankers, to amend the Law relating to	25.	U.K.
Drainage; to provide for the Maintenance of Navigations made in connection with Drainage, and to make further Provision in relation to Works of Drainage	62.	I.
——— to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land	9.	U.K.
Dublin; to abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor	57.	I.
———; for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin supported wholly or in part by Parliamentary Grants	110.	I.
Durham (Bishop of), to provide for the Retirement of the present Bishop of London and	115.	E.
Duties (Stamp), to reduce, on certain Instruments of Proxy; to amend the Laws relating to the Stamping of Articles of Clerkship to Attorneys and others; and to exempt from Stamp Duty Admissions to the Freedom of the City of London by Redemption	81.	G. B. & I
——— of Customs, for the further Alteration and Amendment of the Laws and	75.	U.K.
——— on Fire Insurances, to amend the Laws relating to	22.	U.K.
Duty (Excise); to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters	34.	G. B. & I.
——— on Race-horses, to repeal and re-impose under new Regulations	82.	G.B.
Dwellings; to encourage the providing of improved Dwellings for the Labouring Classes	65.	I.
ECCLESIASTICAL Commissioners, for transferring the Powers of the Church Building Commissioners to the	55.	E.
Education, for the Appointment of a Vice-President of the Committee of Council on	116.	E.
Election of Members of Parliament; to continue the Corrupt Practices Prevention Act, 1854	84.	G. B. & I.
———, to amend the Law for the Registration of Persons entitled to vote in	58.	S.
Episcopal and Capitular Estates, to continue the Act to facilitate the Management and Improvement of	74.	E.
Estates (Incumbered), to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of	67.	I.
——— (Intestates), for the uniform Administration of	94.	E.
——— (Episcopal and Capitular), to continue the Act to facilitate the Management and Improvement of	74.	E.
——— to facilitate Leases and Sales of Settled Estates	120.	E. & I.
Estates; to amend the Law and Practice of the Court of Chancery in relation to the Appointment of Receivers over Real Estates, and to expedite the Sale of Estates in the said Court	77.	I.
Eton College; to make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth	88.	E.
Evidence, to provide for taking, in the United Kingdom, in relation to Civil and Commercial Matters pending before Foreign Tribunals	113.	U.K.
Exchequer Bills, for funding, and raising Money by way of Annuities	5.	U.K.

	Cap.	Relating to
Exchequer Bills for raising the Sum of £21,182,700, for the Service of the Year 1856	19.	U.K.
———; for raising the Sum of £4,000,000 by Exchequer Bills and Exchequer Bonds, for the Service of the Year 1856 . .	44.	U.K.
——— (Court of); to constitute the Court of Session the Court of Exchequer, and to regulate Procedure . . .	56.	S.
———, to abolish the Office of Cursitor Baron of the . .	86.	E.
Excise Duty; to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters	34.	G. B. & I.
FACTORIES, for the further Amendment of the Laws relating to Labour in	38.	G. B. &. I.
Fire Insurances, to amend the Laws relating to the Duties on .	22.	U.K.
Fisheries; to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor .	17.	G. B. & I.
Foreign Tribunals, to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before	113.	U.K.
GENERAL Board of Health, to continue . . .	85.	E.
Grand Juries, to facilitate the Despatch of Business before .	54.	E.
———, to amend the Acts relating to, in Ireland . .	63.	I.
Great Britain, to continue an Act for the Survey of . .	61.	G.B.
Greenwich and Chelsea Hospitals, for further regulating the Payment of the Out-Pensioners of	15.	U.K.
HAY and Straw Trade, to prevent false Packing and other Frauds in the	114.	E.
Health, to continue the General Board of	85.	E.
——— of Towns, to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the . .	103.	S.
Hospitals; for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin supported wholly or in part by Parliamentary Grants, ...	110.	I.
House of Commons, to regulate certain Offices of the . .	1.	U.K.
IMPRISONMENTS; to exempt Imprisonments under the Act 5 Geo. 4. c. 96 from the operation of the Act abolishing Imprisonment for Civil Debts of small Amount . .	46.	G.B.
Improvement of Land, to amend the Acts relating to the Advance of Public Money to promote the	9.	U.K.
Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners . .	11.	E.
——— of Lands, to authorize, in pursuance of a Special Report of the Inclosure Commissioners	106.	E.
Income Tax; to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives	33.	G. B. & I.
———, to grant Relief in assessing, on Lands in respect of certain Public Burdens charged therein; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Land, Assessed, and Income Taxes, and the Redemption and Purchase of the Land Tax	80.	S.
Incumbered Estates, to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of .	67.	I.

	Cap.	Relating to
Incumbered Estates Court, to constitute a Court of Appeal in Chancery, and to amend the Law relating to Appeals from .	92.	I.
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments	73.	U.K.
Industrial and Provident Societies, to amend an Act of 17 & 18 Vict., relating to	40.	G. B. & I.
——— and Reformatory Schools, to make further Provision for rendering more available for the Benefit of Vagrant Children	28.	S.
———, to amend the Mode of Committing Criminal and Vagrant Children to	109.	G. B.
Insurances (Fire), to amend the Laws relating to the Duties on .	22.	U.K.
Insurance on Lives, to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of	33.	G. B. & I.
Intestates Estates, for the uniform Administration of . .	94.	E.
JOINT Stock Companies, for the Incorporation and Regulation of, and other Associations	47.	G. B. & I.
——— Banks in Scotland, to extend the Period for granting Letters Patent of Incorporation to	3.	S.
———, to amend the Law with respect to the Election of Directors of	100.	E.
Judicial Procedure, to amend and re-enact certain Provisions of an Act of 54 Geo. 3, relating to, and Securities for Debts .	91.	S.
Juries (Grand), to facilitate the Despatch of Business before .	54.	E.
———, to amend the Acts relating to, in Ireland . .	63.	I.
Justices of Peace, for amending the Procedure before Magistrates and	48.	S.
Justice (Criminal), to amend the Act of the last Session of Parliament for diminishing Expense and Delay in the Administration of	118.	E.
Juvenile Convicts, for enabling the Commissioners of Public Works to acquire certain Lands for the Site of a Prison for the reception of	24	I.
KIRK Leatham, to render valid certain Marriages in the Church at Coatham in the Parish of	70.	E.
LABOUR in Factories, for the further Amendment of the Laws relating to	38.	G. B. & I.
Labouring Classes, to encourage the providing of improved Dwellings for the	65.	I.
Lands, Inclosure of certain, in pursuance of a Report of the Inclosure Commissioners	11.	E.
———, to make Provision for the Management of certain, in the late Forest of Delamere	13.	E.
———, to grant Relief in assessing the Income Tax on, in respect of certain Public Burdens charged thereon . . .	80.	S.
Land, to amend the Acts relating to the Advance of Public Money, to promote the	9.	U. K.
——— Tax; to amend the Laws relating to the Land, Assessed, and Income Tax, and the Redemption and Purchase of the Land Tax	80.	S.
Leases; to facilitate Leases and Sales of settled Estates . .	120.	E. & I.
Lives (Insurance on), to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of	33.	G. B. & I.
Loan; to carry into Effect a Convention respecting a Loan to the King of Sardinia	39.	U.K.
Lodging Houses, to make better Provision for the Regulation of, Removal of Nuisances, and the Health of Towns . .	103.	S.

	Cap.	Relating to
London; to amend the Laws relating to the Metropolitan Police	107.	E.
———, to exempt from Stamp Duty Admissions to the Freedom of the City of London by Redemption . . .	81.	E.
———, to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853, ...	107.	E.
———, to amend the Act 18 & 19 Vict. c. 120, for the better Local Management of the Metropolis . . .	112.	E.
London (Bishop of), to provide for the Retirement of the present Bishop of Durham and	115.	E.
Lunatic Asylum Act, 1853, to amend	87.	E.
——— to amend the Acts relating to, so far as relates to Superannuations	99.	I.
MAGISTRATES; for amending the Procedure before Magistrates and Justices of Peace	48.	S.
Malt; to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters	34.	G. B. & I.
Marine Forces, for the Regulation of the, while on Shore .	8.	U.K.
Marriages; to render valid certain Marriages in the Church at Coatham, in the Parish of Kirk Leatham . . .	70.	E.
Marriage, for amending the Law of	96.	S.
——— Acts, to amend the Provisions of the Registration and .	119.	E.
Members of Parliament, to amend the Law for the Registration of Persons entitled to vote in the Election of, for Burghs .	58.	S.
——— Election of; to continue the Corrupt Practices Prevention Act, 1854	84.	G. B. & I.
Metropolis, to amend the Act of the last Session of Parliament, Chapter 120, for the better Local Management of the .	112.	E.
Militia; to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c. .	90.	U.K.
——— to suspend the making of Lists and the Ballots for the .	52.	U.K.
Moss-side, to confirm Provisional Orders of the General Board of Health, applying the Public Health Act, 1848, to the District of	26.	E.
Moultoun; for confirming a Scheme of the Charity Commissioners for the Endowed School at Moulton in the County of Lincoln	53.	E.
Mutiny and Desertion, for punishing, and for the better Payment of the Army and their Quarters	10.	U.K.
NATIONAL Gallery; to extend the Powers of the Trustees and Director of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public . . .	29.	U.K.
Navy; to provide for the better Defence of the Coasts, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast-Guard . .	83.	G. B. & I.
Nuisances, to make better Provision for the Removal of, Regulation of Lodging Houses, and the Health of Towns .	103.	S.
OATHS; to continue the Act 2 & 3 Vict. c. 74, for preventing the administering and taking of unlawful Oaths, as amended by an Act 11 & 12 Vict.	78.	I.
Offenders; to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court .	16.	E.
Offices and Employments, to indemnify such Persons as have omitted to qualify themselves for	73.	U.K.

	Cap.	Relating to
Ordnance Survey; to continue an Act for the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man . .	61.	G.B.
Oxford University; to give to the University of Oxford and to Colleges in the said University, and to the College of Saint Mary of Winchester near Winchester, Power to sell and exchange Lands	95.	E.
———, to amend the Act of 17 & 18 Vict. concerning, and the College of Saint Mary Winchester	31.	E.
PARISHES; to extend the Provisions of an Act of 6 & 7 Vict., for making better Provision for the Spiritual Care of populous Parishes, and further to Provide for the Formation and Endowment of separate and distinct Parishes . . .	104.	E.
Parliament, Election of Members of, to continue the Corrupt Practices Prevention Act, 1854	84.	G. B. & I.
——— to amend the Law for the Registration of Persons entitled to vote in the Election of	58.	S.
Pawnbrokers, to amend the Acts relating to	27.	G.B.
Peace, for the better Preservation of the	36.	I.
Pensioners (Out); for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals . .	15.	U.K.
Police; to render more effectual the Police in Counties and Boroughs	69.	E.
——— (Metropolitan), to amend the Acts relating to the . .	2.	E.
Poor, to amend the Law relating to the Relief of the . .	117.	S.
———, to authorize for a further Period the Advance of Money out of the Consolidated Fund for the employment of .	17.	G. B. & I.
———, to continue the Act for the Exemption of Stock in Trade from Rating for the Relief of	117.	S.
——— Law Commissioners, to abolish the Office of Secretary to the	14.	I.
Prisons, to further amend the Laws relating to Prisons . .	68.	I.
Prison; for enabling the Commissioners of Public Works to acquire certain Lands for a Site of a Prison for the Reception of Juvenile Convicts	24.	I.
Procedure in and Jurisdiction of the Courts of Common Law, to further amend	102.	I.
———; for amending the Procedure before Magistrates and Justices of the Peace	48.	S.
——— (Judicial), to amend and re-enact certain Provisions of an Act of 54 Geo. 3, relating to, and Securities for Debts .	91.	S.
Provident and Industrial Societies, to amend an Act of 17 and 18 Vict. relating to	40.	G. B. & I.
Proxy, to reduce the Stamp Duties on certain Instruments of .	81.	G. B. & I.
Public Health Act, 1848, to confirm Provisional Orders of the General Board of Health applying the, to the Districts of Waterloo with Seaforth, West Ham, Sowerby Bridge, and Moss-side; for Alteration of the Boundaries of the Districts of Rusholme and Bishop-Auckland	26.	E.
——— Works, for enabling the Commissioners of, to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts	24.	I.
———, to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on . .	18.	I.
Public Works; to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor .	17.	G. B. & I.
———; to amend the Act for transferring to Counties certain Works constructed wholly or in part with the Public Money	37.	I.

	Cap.	Relating to
Public Revenue, to alter the Mode of providing for certain Expenses now charged upon certain Parts of the	59.	U.K.
QUEEN'S Bench, to empower the Court of, to order certain Offenders to be tried at the Central Criminal Court	16.	E.
RACE-Horses, to repeal and re-impose under new Regulations the Duty on	82.	G.B.
Railways; to continue "The Railways Act (Ireland), 1851"	72.	I.
Reformatory and Industrial Schools, to make further Provision for rendering more available for the Benefit of Vagrant Children	28.	S.
———, to amend the Mode of committing Criminal and Vagrant Children to	109.	G.B.
Registration; to amend the Law for the Registration of Persons entitled to Vote in the Election of Members to serve in Parliament for Burghs	58.	S.
——— Acts, to amend the Provisions of the Marriage and	119.	E.
Revenue (Public), to alter the Mode of providing for certain Expenses now charged upon certain Parts of the	59.	U.K.
Rice, to permit the Use of, for the Distillation of Spirits	51.	U.K.
Rusholme, to confirm Provisional Orders of the General Board of Health, applying the Public Health Act, 1848, to the District of	26.	E.
SAINT Mary Magdalen Hospital, for confirming a Scheme of the Charity Commissioners for	45.	E.
——— Sepulchre, to abolish the Jurisdiction of the Court of the Liberties and Manor of, and for the future Regulation of certain Markets of the said Manor	57.	I.
Sales; to facilitate Leases and Sales of Settled Estates	120.	E. & I.
Sale and Transfer of Incumbered Estates, to extend the Period for applying for	67.	I.
Sardinia, to carry into Effect a Convention respecting a Loan to the King of	39.	U.K.
Savings Banks, to make further Provision for the Establishment of, for Seamen	41.	U.K.
Schools (Reformatory and Industrial), to make further Provision for rendering more available for the Benefit of Vagrant Children	28.	S.
———, to amend the Mode of committing Criminal and Vagrant Children to	109.	G.B.
Seamen, to make further Provision for the Establishment of Savings Banks for	41.	U.K.
Securities for Debts, to amend and re enact certain Provisions of the Act 54. Geo. III., relating to Judicial Procedure and	91.	S.
Session (Court of), to constitute, the Court of Exchequer and to regulate Procedure	56.	S.
Sheep; to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals	101.	U.K.
Smoke Nuisance Abatement (Metropolis) Act, 1853, to amend	107.	E.
Societies (Industrial and Provident), to amend an Act of 17 and 18 Vict. relating to	40.	G. B. & I.
Sowerby Bridge, to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the District of	26.	E.
Spirits, to permit the Use of Rice in the Distillation of	51.	U.K.
Stamp Duties, to reduce on certain Instruments of Proxy; to amend the Laws relating to the stamping of Articles of Clerkships to Attorneys and others; and to exempt from Stamp		

	Cap.	Relating to
Duty Admission to the Freedom of the City of London by Redemption	81.	G. B. & I.
Statutes; to repeal certain Statutes which are not in use . .	64.	E. & I.
Stock (Joint) Companies, for the Incorporation and Regulation of, and other Associations	47.	G. B. & I.
——— in Trade, to continue the Act for the exemption of, from Rating	42.	E.
Stoke Poges Hospital, for confirming a Scheme of the Charity Commissioners for	111.	E.
Straw and Hay Trade, to prevent false packing and other Frauds in the	114.	E.
Sugar, to repeal and re-impose the Excise Duty on, in brewing Beer	34.	G. B. & I.
Supplies; to apply £1,631,005, 1s. 5d. out of the Consolidated Fund to the Service of the Year ending 31st March, 1856 .	4.	U.K.
———, for funding Exchequer Bills, and raising Money by Way of Annuities	5.	U.K.
———, to apply £26,000,000 out of the Consolidated Fund to the Service of the Year 1856	7.	U.K.
———, for raising £21,182,700 by Exchequer Bills for the Service of the Year 1856	19.	U.K.
———, for raising £5,000,000 by way of Annuities . .	6.	U.K.
———, for raising the further Sum of £5,000,000 by way of Annuities	21.	U.K.
———, for raising £4,000,000, by Exchequer Bills and Exchequer Bonds for the Service of the Year 1856 . . .	44.	U.K.
———, to appropriate the Supplies granted in 1856 . .	105.	U.K.
Supply (Commissioners of), to constitute all legally qualified Persons, without being named in an Act of Supply . .	93.	S.
Survey; to continue an Act for the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man . . .	61.	G.B.
TAX (Income); to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives	32.	G. B. & I.
———, to grant Relief in Assessing, on Lands in respect of certain public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Land, Assessed, and Income Taxes, and the Redemption and Purchase of the Land Tax	80.	S.
Towns (Health of) to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and . .	103.	S.
Trade and Commerce, to amend the Laws of Scotland affecting .	60.	S.
———, to amend the Laws of England and Ireland affecting .	97.	E. & I.
Turnpike Trusts, to confirm certain Provisional Orders made under an Act of 15 Vict. to facilitate Arrangements for the Relief of	12.	E.
——— Acts, to continue certain, in Great Britain . .	49.	G.B.
——— Roads, to continue certain Acts for regulating . .	71.	I.
VAGRANT Children, to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of	28.	S.
——— and Criminal Children, to amend the Mode of committing, to Reformatory and Industrial Schools . . .	109.	G.B.
Voters, Registration of, in Burghs	58.	S.
WATERLOO with Seaforth, to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the District of	26.	E.

	Cap.	Relating to
West Ham, to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the District of	26.	E.
West India Relief Commissioners, to authorize, to grant further Time for the Repayment of Monies advanced by them in certain Cases	35.	U.K.
Whichwood Disafforesting Act, 1853, to amend	32.	E.
Williams (Sir William Fenwick), to Settle an Annuity on, in consideration of his eminent Services	30.	U.K.
Winchester (College of St Mary), to amend the Act of 17 and 18 Vict. concerning the University of Oxford and the	31.	E.
——; to give to the University of Oxford, and to the College of Saint Mary of Winchester near Winchester, Power to sell and exchange Lands	95.	E
Works; to amend the Act for transferring to Counties certain Works constructed wholly or in part with the Public Money	37.	I.
—— (Public), for enabling the Commissioners of, to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts	24.	I.
——, to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on	18.	I

APPENDIX.

APPENDIX.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. xxxii.

An Act to Extend the Municipal Boundaries of the City of Edinburgh; *to Transfer the Powers of the Commissioners of Police to the Magistrates and Council; and for other Purposes relating to the Municipality of the said City.*—[23d June 1856.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of His Majesty King *William* the Fourth (Public General), Chapter Sixty-five, "To amend the Representation of the People in *Scotland*," and the Limits and Boundaries for the Purposes of the said Act of the City of *Edinburgh*, and of the several other Cities, Burghs, and Towns entitled to return or to contribute to return Members to Parliament, were specified and described in the Schedule (M.) thereunto annexed: And whereas another Act was passed in the Third and Fourth Year of the said Reign (Public General), Chapter Seventy-six, "To alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in *Scotland*;" which Act was explained, altered, and amended

2 & 3 W. 4. c. 65. (Pub.)

3 & 4 W. 4. c. 76. (Pub.)

by the following Public General Acts; *videlicet*, an Act passed
4 & 5 W. 4. c. 87. in the Fourth and Fifth Year of the said Reign, Chapter
Eighty-seven, and Two Acts of the Reign of Her present
15 & 16 Vict. c. 32. Majesty, one of them passed in the Fifteenth and Sixteenth
Year of the said Reign, Chapter Thirty-two, and the other
16 & 17. Vict. c. 26. passed in the Sixteenth Year of the said Reign, Chapter
Twenty-six: And whereas the Royalty of the City of *Edinburgh* has been at different Times extended over certain
Lands adjoining the said City by virtue of the following
Public Acts of the Reign of King *George* the Third; *videlicet*,
7 G. 3. c. 27. the Act of the Seventh Year of the said Reign, Chapter
Twenty-seven, the Act of the Twenty-fifth Year of the said
25 G. 3. c. 28. Reign, Chapter Twenty-eight, the Act of the Twenty-sixth
Year of the said Reign, Chapter One hundred and thirteen,
26 G. 3. c. 113. and by the Local Acts of the Forty-ninth Year of the said
49 G. 3. c. xxi. Reign, Chapter Twenty-one, and of the Fifty-fourth Year of
the said Reign, Chapter One hundred and seventy: And
54 G. 3. c. clxx. whereas Commissioners for the Eight Southern Districts of
the City of *Edinburgh* were appointed, and certain Regulations with regard to the Land Tax payable by the said City
and the adjoining Districts were made by virtue of the Acts
11 G. 3. c. 36. after-mentioned; *videlicet*, the Public Act of the Eleventh
Year of the Reign of King *George* the Third, Chapter Thirty-
25 G. 3. c. 28. six; the aforesaid Public Act of the Twenty-fifth Year of the
said Reign, Chapter Twenty-eight; and the Public General
1 & 2 Vict. c. 55. Act of the First and Second Year of the Reign of Her present
Majesty, Chapter Fifty-five: And whereas a System of Police
has been established and is maintained in the City of *Edinburgh*
11 & 12 Vict. c. cxiii. and adjoining Districts, by virtue of the Local Acts of the
Eleventh and Twelfth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and of the Seventeenth
17 & 18 Vict. c. cxviii. and Eighteenth Year of the said Reign, Chapter One hundred
and eighteen: And whereas a Local Act was passed in the
11 & 12 Vict. c. cxxiii. Eleventh and Twelfth Year of the Reign of Her present Majesty, Chapter One hundred and twenty-three, "To Provide for
the Municipal and Police Government of the Burgh of *Leith*, and
for other Purposes relating thereto:" And whereas the Powers
conferred on the Magistrates and Council of the said City, under
the Acts with respect to Prisons and Prison Discipline in *Scotland*, the Acts to provide for the better Registration of Births,
Deaths, and Marriages in *Scotland*, and the Act for the Valuation of Lands and Heritages in *Scotland*, extend over and are
exercised by them within the Parliamentary Franchise Limits
and Boundaries of the said City, prescribed by the Act first
before recited: And whereas it is expedient that the Municipal
Boundaries of the said City should be enlarged so as to be co-

extensive with the said Parliamentary Franchise Boundaries thereof; that the Magistrates and Council should be increased in Number, and the Offices of the subordinate Magistrates and Commissioners within the said extended Boundaries be abolished; that the Powers of the Commissioners of Police of the said City and adjoining Districts should be transferred to and vested in the Magistrates and Council, and Provision made as to the Portion of the Police Territory situated within the Municipal Boundaries of *Leith;* and that the Acts before recited should be amended, and further Provision made in these and in various other respects; but as these Purposes cannot be effected without the Authority of Parliament, May it therefore please Your Majesty, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as The "*Edinburgh* Municipality Extension Act, 1856."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "City" shall mean the City of *Edinburgh* and the Territory within the Limits of this Act:

The Expressions "Magistrates and Councillors" and "Magistrates and Council" shall mean the Magistrates and Councillors of the City of *Edinburgh* elected by virtue of this Act:

The Word "Magistrates" shall mean the Magistrates of the City of *Edinburgh* elected by virtue of this Act, and shall include the Lord Provost and Bailies:

The Word "Sheriff" shall mean the Sheriff of the County of *Edinburgh,* and shall include the Sheriff Substitutes:

The Words "City Clerks" shall mean the Clerks of the City of *Edinburgh,* or any one of them:

The Words "Wards" and "Ward" shall include Polling Districts, under the Act first before recited, and the several Acts amending or explaining the same:

The Expressions "the Limits of this Act" and "extended Bounds" shall be held to mean and to comprehend the whole Territory within the Limits and Boundaries to which the City of *Edinburgh* is extended by this Act:

The Word "Subjects" used in reference to the Parliamentary and Municipal Franchise shall mean the

Houses, Warehouses, Counting-houses, shops, or other Buildings and Lands in respect of which such Franchise may be exercised.

Extension of Municipal Boundaries and Jurisdictions.

III. From and after the passing of this Act the Municipal Limits and Boundaries of the City and Royal Burgh of *Edinburgh* shall be the same as the Limits and Boundaries thereof specified and described in the Act first before recited: and the Magistrates and Council and Magistrates of the City shall possess the same Rights, Powers, and Jurisdictions of every Kind over the whole Territory of the City as so extended, and over the Inhabitants thereof, as they now possess within the Royalty or present Limits of the City, any Charter, Law, or Usage to the contrary notwithstanding: and the subordinate and separate Magistracies and Jurisdictions of the Regality of *Canongate*, and of the Baronies of *Calton* and *Portsburgh*, shall, from and after the first Election and Induction into Office of the Magistrates and Councillors under this Act, cease and determine: Provided always, that the Magistrates who may be in Office at the passing of this Act shall not be entitled to exercise their Jurisdictions beyond the present Limits thereof: Provided also, that the Jurisdiction of the Dean of Guild of the said City and his Court shall not extend beyond the present Limits thereof, or the Limits within which the same may be exercised by the Operation of any of the Acts extending the Royalty before recited: provided further, that if there shall be any Actions or Processes in dependence before the Courts of such subordinate Jurisdictions, these shall be adjudged and disposed of by the Magistrates to be elected under this Act, to whom all such Actions or Processes shall be by Authority of this Act transferred.

Exception of Dean of Guild's Jurisdiction.

Jurisdiction of Sheriff and Justices of the County reserved.

IV. The Sheriff and the Justices of the Peace of the County of *Edinburgh* shall continue to hold all and every Jurisdiction of whatever Kind or Nature, civil as well as criminal, which any of them has had or is anyways entitled to use and exercise, in the same Way and Manner as if this Act had not been passed, excepting in so far as the Exercise of such Jurisdiction may be inconsistent or at variance with the express Provisions of this Act.

Sessions of the Peace.

V. The Justices of the Peace appointed in Terms of "The *Edinburgh* Police Act, 1848," for the District of the City of *Edinburgh* and Limits of the said Act, shall hold Quarter, Special, and Petty Sessions on the same Days and in the same Manner as Justices of the Peace of Shires, Counties, and other Districts in *Scotland*.

As to Public House Certificates.

VI. All Applications for Certificates, under the Public General Acts passed in the Ninth Year of the Reign of King *George*

George the Fourth, Chapter Fifty-eight, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-seven, in reference to Premises within the extended Bounds, shall be made to and disposed of by the Magistrates to be elected under this Act, who shall exercise within these Bounds, as they now exercise within the present Royalty, all the Powers conferred upon Magistrates of Burghs by the said recited Acts; and all Appeals from their Judgments shall be made to and disposed of by the Quarter Sessions, or adjourned Quarter Sessions of the Justices of the Peace for the District of the City and Limits of the Police Acts: Provided always, that during the Life of *Robert Davidson*, the present Clerk of the Peace for the County of *Edinburgh*, or his holding the said Office, the Fees received upon Applications for Certificates by Parties whose Premises are situated within the extended Bounds but beyond the present Royalty, and upon Appeals taken to the Quarter Sessions against the Disposal of such Applications, shall be paid over to the said Clerk.

Prosecutions for Breaches of the Terms of Certificates, &c.

VII. Any Person who shall within the Limits of "The *Edinburgh* Police Act, 1848," and "The *Edinburgh* Police Amendment Act, 1854," as altered by this Act, commit any Offence against the Provisions of the foresaid Acts passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Fifty-eight, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-seven, or any Breach of the Regulations of the Certificates granted by virtue thereof, may be prosecuted before the Judge officiating in the Police Court, established under the Acts first mentioned, at the Instance of the Superintendent or other Officer of Police; and every such Offence or Breach shall be proceeded with, tried, and determined, and all Penalties incurred shall be recovered and applied by the said Judge in the Manner and subject to the Conditions provided in the said second-mentioned Acts in reference to Cases authorized to be tried before the Bailie in the Court of any Royal Burgh: Provided always, that no Fees shall be chargeable by any Clerks or other Officers employed in the Police Court in such Cases.

Weights and Measures.

VIII. The Provisions of the Public General Acts of the Fifth Year of King *George* the Fourth, Chapter Seventy-four; the Sixth Year of the said Reign, Chapter Twelve; the Fifth and Sixth Year of King *William* the Fourth, Chapter Sixty-three; and the Sixteenth Year of Her present Majesty, Chapter Twenty-nine, relative to Weights and Measures, shall within the Limits of this Act be enforced exclusively by the Magistrates to be elected under this Act, and by the Inspectors appointed or to be appointed by them in Terms of the said Acts and this Act.

Provisions of this Act to be operative, although inconsistent with Provisions of certain recited Acts.

IX. And whereas the Provisions herein-after contained with regard to the Division of the City into Wards for the Exercise of the Parliamentary Franchise and also of the Municipal Franchise, the Formation of new Registers of Electors within the City and in the several Wards, the Substitution of Wards for Parishes in the said Registers and in Claims to be enrolled as Voters, the Division of the Lists of Claimants into Wards, and the publication of such Lists at the Church Doors, are in some respects inconsistent with the Provisions contained in the Act first before recited, and the several Acts amending or explaining the same: Be it enacted, That the foresaid Provisions of this Act shall be operative and receive Effect in so far as regards the said City, anything in the said recited and other Acts to the contrary notwithstanding.

Division into Wards.

X. As soon as conveniently may be after the passing of this Act, the Lord Provost, the Sheriff (excluding his Substitutes), and a Person to be appointed by One of Her Majesty's principal Secretaries of State, or any Two of them, shall divide the City into Thirteen Wards, for the Exercise of the Parliamentary Franchise, and also of the Municipal Franchise, each Ward being numbered and having a distinctive name; and in making the said Division Seven of the said Wards shall be situated to the North and Six of the said Wards to the South of a Line commencing at a Point on the *London Road* where the said Road is intersected by the Parliamentary Boundary of the City, thence Westward along the Centre of the said Road and of the *Regent Road*, *Waterloo Place*, and *Princes Street* to the *Lothian Road*, thence along the Centre of the last-mentioned Road to *St Cuthbert's Lane*, thence along the Centre of the said Lane to *Morrison Street*, thence along the Centre of the said Street to the Road leading to *Coltbridge*, and thence Westward along the Centre of the said Road to the Point where it is intersected by the Parliamentary Boundary of the City; and regard shall be had to its being the Purport and Meaning of this Act, that the Number of Houses, Shops, Warehouses, or other Premises in each proposed Ward, valued at Ten Pounds or upwards in the Roll made up in virtue of the Act for the Valuation of Lands and Heritages in *Scotland*, shall, as nearly as may be practicable, be the same; and the Parties aforesaid shall cause the proposed Division to be delineated upon a Plan, which shall be open to the Inspection of all Persons concerned for the Space of Fourteen Days, and Notice shall be given previously to the First of the said Fourteen Days by Advertisement in Two of the *Edinburgh* Newspapers where the said Plan is to be seen, and upon a Day after the Expiry of the said Fourteen Days, to be specified in the said Advertisement, the Parties aforesaid shall hear all concerned for their Interests, and thereupon the said proposed Division shall be finally adjusted by the Parties aforesaid, and shall be reported to One of Her Majesty's said Principal Secretaries of State; and on the same being approved of by One of such Principal Secretaries, the said Division shall receive effect and be published at least Once in the *Edinburgh Gazette*, and in One of the *Edinburgh* Newspapers: Provided always, that nothing herein contained shall limit the Powers vested in the Sheriff under the Public General Act passed in the Fifth and Sixth Year of the Reign of King *William* the Fourth, Chapter Seventy-eight, Section Three.

New Register of Electors to be formed.

XI. Immediately after the Publication of the said Division and the Completion of the First Registration of Electors subsequent to the passing of this Act, the City Clerks shall form a new Register of the Electors within the City, into which they shall transfer the Names of all those then standing on the Parliamentary Register, inserting opposite to the Name of each Elector the Number of the Ward in which he falls to be placed, but without its being necessary to specify the Parish within which the Subjects lie on which the Elector is enrolled, and shall certify each Entry by their Initials, and each Page by their Signature, as directed in making up the original Register, which new Register shall thereafter be continued, added to, and amended from Year to Year, under the Authority of the Sheriff, and in the Manner directed by the said first-recited Act and this Act.

New Ward Registers to be formed and printed annually.

XII. From the Register to be formed of new and continued, added to, and amended from Year to Year as aforesaid, the City Clerks shall form Registers of the Electors in the several Wards, which shall be made up and certified in the Manner required by the Act first before recited as varied by this Act; and the City Clerks shall cause these Registers to be printed annually, and shall deliver Copies of the Register of any Ward to any registered Elector of the City who may apply for the same, on Payment of One Shilling for each Copy; and further, the Expense of forming the new Register and the new Ward Registers, and of printing the last-mentioned Registers annually, after deducting any Sums received for Copies sold, shall be defrayed from the Municipal Revenues of the City.

As to Election of a Member of Parlia-

XIII. In the event of an Election of a Member or Members to serve in Parliament occurring during the Interval between the passing of this Act and the Completion of the Registers to be ment before New Registers completed.

be formed as aforesaid, such Election shall be conducted in all Respects as if this Act had not been passed.

Wards to be substituted for Parishes in Claims to be enrolled as Electors.

XIV. In order to facilitate the Formation of the Register of Electors in future, it shall not be necessary in Claims to be enrolled as Electors to specify the Parish within which the Subjects lie in respect of which the Claimants seek to be enrolled, and in lieu of such Specification the Number of the Ward within which such Subjects lie may be set forth, and the Schedules to be issued by the City Clerks to Parties claiming to be enrolled shall be altered accordingly.

List of Claimants, how to be published.

XV. The Lists of Claimants, divided according to Parishes, directed to be published on or before the Twenty-sixth Day of *July* yearly shall be discontinued; and Lists of the Claimants, divided according to their several Wards, shall be substituted for the same; and the Lists last mentioned shall be affixed on or before the said Date yearly to or near the Door of the Church of *Saint Giles* within the said City only.

After passing of this Act Right of electing Town Council to belong to Persons herein named.

XVI. From and after the passing of this Act the Right of electing the Town Council shall be in and belong to all such Persons, and to such only, (except as herein-after excepted,) as are or shall be qualified to vote in the Election of Members of Parliament for the City by virtue of the Act first before recited, and as are duly registered as such Voters in the Registers by the said Act and this Act appointed to be kept: Provided always, that all such Electors who may be qualified as herein-before provided shall have resided for Six Calendar Months next previous to the last Day of *June* in this and all future Years within the Limits of this Act, or within Seven Statute Miles of some Part thereof; and that no Person shall be entitled to vote who has been in the Receipt of Parochial Relief, or who has been a Pensioner of any Corporation within Twelve Months of any Annual Election, or who may be Town Clerk of the said City at the Time of such Election, or at making up the List or Roll of Electors with a view to such Election; provided also, that the Election of the Councillors, Magistrates, and other Office Bearers shall in all respects be conducted in the Manner directed by the Public General Act passed in the Third and Fourth Year of the Reign of King *William* the Fourth, and other Acts before recited, and that the several Provisions and Enactments of the said Acts, so far as these are applicable to the City, shall be equally valid and effectual for carrying this Act into Execution as if they were herein specially enacted: Provided further, that it shall be sufficient that the Notices of the Annual Elections shall be affixed to or near the Door of the Church of *Saint Giles* within the said City, and that they be also inserted at least

Provisions of certain former Acts to apply to this Act.

least once in One of the *Edinburgh* Newspapers, and that the Appointment by the Lord Provost or Senior Magistrate immediately before any Annual Election of legal Substitutes to preside at the Polling Places, and of Persons to officiate as Poll Clerks in the several Wards, shall be valid notwithstanding the going out of Office of the Lord Provost or Senior Magistrate after the making of such Appointment.

Number and Description of Magistrates and Councillors.

XVII. At the First Election of Councillors and Magistrates for the said City to take place in Terms of this Act, the Number of Persons to be elected Councillors shall be Thirty-nine, and the Number of such Councillors to be elected Magistrates shall be Seven, of whom One shall be Lord Provost and Six shall be Bailies; and the Dean of Guild and the Convener of the Trades elected to these Offices respectively in manner mentioned in the Act second before recited shall in virtue of their Elections and while they hold their Offices be constituent Members of Council, making Forty-one Members in whole, whereof a Majority shall constitute a Quorum: Provided always, that where in any Act of Parliament the Four Bailies (being the present Number of Bailies) are appointed as Trustees or Members of any governing Body under such Act, the Four Senior of the Six Bailies to be elected under this Act shall be held to be the Four Bailies appointed as aforesaid.

Election of Councillors.

XVIII. On the First *Tuesday* of *November* after the passing of this Act, being the Day appointed for the annual Election of Councillors, the Electors shall proceed to elect from among the Persons qualified to be Councillors the whole Number of Councillors hereby appointed to be elected; and such Election and all succeeding Annual Elections shall be conducted in all respects in the Manner directed by the recited Acts, so far as these are applicable to the City.

Councillors for Wards.

XIX. At the First Election to be made under this Act the Electors of each Ward shall choose the Number of Three Councillors, and at each succeeding Annual Election the Number of One Councillor, in room of the Councillor who shall have retired as having been longest in Office: Provided always, that at the Election to be made in the Year One thousand eight hundred and fifty-seven, the Councillor in each Ward so to retire shall be the Councillor who had the smallest Number of Votes at the Election in this present Year, and that at the Election to be made in the succeeding Year One thousand eight hundred and fifty-eight the Councillor in each Ward so to retire shall be the Councillor who had the next smallest Number of Votes at the Election in this present Year, the Magistrates and Council determining where the Votes in any Ward shall have been equal who shall be the Person to retire; provided also, that the Lord Provost and Treasurer shall always remain in Office for the Period of Three Years.

The Lord Provost or Senior Magistrate to preside at the First Election.

XX. The Lord Provost for the Time, or in his Absence the Senior Magistrate present, shall preside at the First Meeting of the Council elected under this Act, until the Election and Induction into Office of the Lord Provost then to be chosen, but no longer; and such Lord Provost or Senior Magistrate shall have no deliberative Vote at such Meeting, unless he shall have been previously elected a Councillor under this Act, but shall in case of Equality of Votes have a casting Vote.

Existing Magistrates, Councillors, &c. to go out of Office.

XXI. On the Completion of the First Election of Councillors, Magistrates, and Office Bearers under the Provisions of this Act, and on their Induction into Office, but not sooner, the Magistrates, Councillors, and Office Bearers previously in Office in the City, in the Regality of *Canongate*, and in the Baronies of *Calton* and *Portsburgh*, shall go out of Office, and their whole Powers, Duties, and Functions shall cease and determine.

Magistrates elected under this Act to administer the Affairs of the City.

XXII. The Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall in all respects stand, in relation to the Administration of the Affairs and Property of the City as extended, and of Property under the Care and Management of the Magistrates and Council, in the same Situation in which the Magistrates and Council and Office Bearers shall stand previous to such Election in regard to the City within its present Limits; and the Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall have the same Rights and Powers of Administration of the Property and Affairs of the City, and of making all usual and necessary Appointments, as at the Time of Election shall have lawfully belonged to and been exercised by their Predecessors in Office in regard to the City within its present Limits, anything in the Set, Usage, or Customs of the City to the contrary notwithstanding.

Magistrates and Councillors not to be appointed to Offices, &c.

XXIII. It shall not be lawful to employ any Magistrate or Councillor, or the Partner in Business of any Magistrate or Councillor, to furnish Goods ordered by the Magistrates and Council or to execute any of the public Work under their Superintendence; and further, it shall not be lawful to appoint any Magistrate or Councillor to any Office of Emolument in the Gift of the Magistrates and Council until the Expiration of Twelve Months after he shall have ceased to be a Member of Council.

Trusts in behalf of City to be vested in

XXIV. All Mortifications, Endowments, Trusts, however constituted, charitable Bequests, or other Grants held or administered by the Magistrates and Council, or by the

Magistrates and Council.

trates or Office Bearers of the City, or of the Regality of *Canongate*, or of the Barony of *Calton*, or of the Barony of *Portsburgh*, by themselves (but subject to the Liabilities to which the same are legally subject,) shall be vested in, held, and administered by the Magistrates and Council or by the Magistrates or Office Bearers to be elected under this Act, or by so many of their Number, to be chosen by them for that Purpose, as are appointed by the Deeds under which such Mortifications, Endowments, Trusts, Bequests, or other Grants are constituted, for the Purposes, and with the Rights, Powers, and Authority, and subject to all the Conditions and Provisions under and upon which the same were conveyed, granted, or settled by the Granters or Makers of such Mortifications, Endowments, Trusts, Bequests, or other Grants: Provided always, that nothing herein contained shall affect the Rights or Powers conferred on any private Individual or Individuals nominated and appointed by any Trust Deed or other Conveyance, whereby any Mortification, Endowment, Trust, Bequest, or other Grant is constituted; and that the Extension of the Boundaries of the City shall not confer on any Person within the Territory added to the City by such Extension, other than the Councillors or Magistrates thereof, any Right to be an *ex-officio* Trustee, Guardian, Governor, or other Manager of or under any Mortification, Endowment, Trust, Bequest, or other Grant, of which any Description of Persons within the City were thereby declared to be *ex-officio* Trustees, Guardians, Governors, or other Managers; saving always and reserving to all and every Person or Persons, or Class or Community of Persons, Bodies Politic, Corporate, and Collegiate, all and every Right of Property or Personal Privilege or Immunity within the City, excepting as the same may be affected by the Provisions of this Act, which they respectively had or enjoyed before the passing of this Act.

Nothing to affect Rights conferred on private Persons, &c.

XXV. The Common Good and Property, heritable and moveable, and Means, Revenues, and Income of every Description, leviable within or belonging to the City of *Edinburgh*, to the Regality of *Canongate*, and to the Baronies of *Calton* and *Portsburgh*, or to which such City, Regality, or Baronies are respectively entitled, or which are held or administered by any Person for or in behalf of the Community of such City, Regality, or Baronies for the public Ends or Purposes thereof, including the Duties and Casualties pertaining to the Rights of Superiority transferred to the Magistrates and Council by virtue of this Act (but subject to the Liabilities to which such whole Property is legally subject), shall, excepting as hereinafter mentioned, be and the same are hereby vested in the

Vesting the Property of the City and other Burghs in the Council elected under this Act.

Magistrates and Council to be elected under the Provisions of this Act, with full Power, Right, and Authority to levy, adjudge, sue for, and recover the same for the Benefit of the City.

Rights of Superiority transferred to Council.

XXVI. All Rights of Superiority belonging to any Magistracy which is hereby abolished shall by Authority of this Act, without any formal Deed or Act of Conveyance, or Process of Law or Registration in regard thereto, be transferred to and vested in the Magistrates and Council: Provided always, that nothing herein contained shall affect the Rights of Superiority possessed by any other Body or Person.

Rights to levy the One per Cent. Tax to cease.

XXVII. The Right to levy the Tax of One Pound per Centum of the valued Rent of their Houses and Possessions, payable yearly in aid of the Common Good and Patrimony of the Burgh by the Inhabitants of the ancient Royalty of the City, and the Inhabitants of the New Town in the extended Royalty, in virtue of the Public Act of the Twenty-fifth Year of the Reign of King *George* the Third, Chapter Twenty-eight, and other Acts before recited, shall cease and determine.

Acts extending the Royalty reserved.

XXVIII. Nothing in this Act shall limit or prevent the Operation of the several Acts before recited, in virtue of which the Royalty of the City was extended over certain Lands adjoining the said City specified and described in the said Acts, excepting in so far as the same may be inconsistent with the Provisions of this Act.

Parochial Arrangements not to be affected.

XXIX. The Lands within the said extended Bounds shall remain Parts and Portions of the Parishes within which they now lie respectively, *quoad omnia*, and shall not in so far as regards the Settlement, Relief, or Management of the Poor, the Payment of public or parochial Burdens, which now affect or which may hereafter affect the said Parishes respectively, or other parochial Arrangements, be affected by any of the Provisions of this Act; and the Teinds or Tithes held or payable in respect of the said Lands shall be saved and reserved to the true Owners thereof.

Teinds, &c. reserved.

Annuity Tax for Ministers not to be extended.

XXX. The Annuity Tax levied within the present Royalty for behoof of the Ministers of the City, and the similar Tax levied within the Parish of *Canongate* for behoof of the Ministers thereof, shall not by reason of this Act extend to any Person who is not or who may not now be made liable in Payment of the same.

Tenures and Records preserved.

XXXI. Nothing herein contained shall alter to any Legal Effect whatsoever the Holdings or Tenure of any Lands or Heritages, or the Records wherein the Rights thereof, or any Deed or Writing affecting the same, may be registered.

Thirlage not to ex-

XXXII. The Territory within the extended Bounds, and the Lands and Heritages and Inhabitants thereof, shall not by reason of this Act be subjected to any Thirlage to which such Territory, Lands, and Heritages, or Inhabitants were not previously subject.

tend to Territory not previously subject.

XXXIII. Nothing in this Act contained shall be construed to disqualify as a Trustee under the Act of the Fifth and Sixth Year of the Reign of King *William* the Fourth, for more effectually making, repairing, and maintaining the Turnpike Roads in the County of *Edinburgh*, any Person in possession of the Qualification prescribed by the said Act, although the Lands in respect of which he may be so qualified may be situated within the Limits of this Act.

Qualification of County Road Trustees not to be affected.

XXXIV. The Sum of Sixty Pounds *per Annum*, which the Commissioners of Police are by "The *Edinburgh* Police Act, 1848," before recited, required to pay to the Treasurer of the Burgh of *Canongate*, for behoof of that Burgh, and the Sum of Thirty Pounds *per Annum* which by the foresaid Act the said Commissioners are also required to pay to each of the resident Magistrates of *Portsburgh*, for defraying the Expense of their Offices, shall form no Part of the Revenues vested in the Magistrates and Council under the Provisions of this Act, and shall not, after the first *Tuesday* of *November* next, be payable to any Party, but Payment thereof shall cease and determine.

Certain Payments to Burgh of Canongate and to Magistrates of Portsburgh to cease.

XXXV. The Duties and Customs denominated the Water Gate Customs, heretofore levied by the Magistrates of *Canongate* at the Water Gate at the foot of the *Canongate*, and also at the Point where the *London Road* joins the *Eastern Road* to *Leith*, in virtue of the Powers contained in an Act of the Parliament of *Scotland*, dated the Twenty-first Day of *July* One thousand five hundred and ninety-three, intituled "An Act for Mending of the Calsay of the *Cannowgait*, and outwith the Water Yett," which Act was declared to be perpetual by an Act of the Privy Council of *Scotland*, dated in the Year One thousand six hundred and three, and in the Local Act of the Fifty-fourth Year of the Reign of King *George* the Third before recited, shall cease and determine from and after the Term of *Whitsunday* One thousand eight hundred and fifty-seven, when the current Lease of the said Duties and Customs will expire.

Water Gate Customs to cease.

XXXVI. Notwithstanding the Abolition of the Magistracy of *Canongate*, the Magistrates and Council shall maintain the Council Chamber of *Canongate*, and Appendages of the same, for the advantage of the Inhabitants of that district, and for such other public Purposes as the Magistrates and Council may deem expedient.

Council Chamber of Canongate to be maintained.

XXXVII. Notwithstanding the Provisions of this Act, the

Office of Clerk of Canongate.

Office of Clerk of the Burgh of *Canongate* shall subsist in the Person of *William Fraser* junior, the present Holder of the same, who shall be entitled as Clerk aforesaid to prepare the Renewals of the Investitures of the Vassals within the said Burgh holding of the present Magistrates and Council under their Rights of Superiority, or who may hold of the Magistrates and Council by the Operation of this Act; and after the Death of the said *William Fraser* junior, or on his ceasing to act, the Renewals of the said Investitures shall be prepared and the Chartulary be kept by the City Clerks: And whereas the said *William Fraser* junior will be deprived of a Portion of the Emoluments of his Office by the Operation of this Act: Be it enacted, That the Magistrates and Council shall pay to him the Sum of Thirty Pounds *per Annum* during his Life or holding the said Office, commencing on the First *Tuesday* of *November* Eighteen hundred and fifty-seven, for the Year preceding.

Stipend of Ministers of Canongate.

XXXVIII. The Magistrates and Council shall, immediately after their Acceptance of and Induction into Office, and from Time to Time thereafter, as may be requisite, nominate and elect Two of their own Number to perform the Duties incumbent on the resident Bailies of the *Canongate* in virtue of an Act of the Parliament of *Scotland*, dated Fifth *October* One thousand six hundred and sixty-three, and intituled "Act concerning the Stipend of the Ministers of the *Canongate*"; and the Persons so to be appointed shall in all respects come in the Place of and shall discharge all the Duties and Functions performed by the said Bailies of *Canongate* in relation to or by virtue of the said Act.

Offices, &c. of Commissioners of Southern Districts to cease.

XXXIX. From and after the passing of this Act so much of the recited Acts as relates to the Election of Commissioners by the Eight Districts to the South of the City, and to their Powers, Functions, and Offices, shall be and the same is hereby repealed; and the Powers, Functions, and Offices of the said Commissioners elected in virtue of the said Acts, whether under the said Acts or under any other Acts of Parliament, shall thereupon cease and determine: Provided always that any Balances of Money received on account of Land Tax which may remain in the Hands of the said Commissioners, or of the Commissioners of any particular District, shall be forthwith paid over to the proper Officer in the Department of Inland Revenue, to be applied by him in aid of the Land Tax payable by the said Districts or District.

Land Tax how to be raised.

XL. The Land Tax payable by the City shall continue to be assessed and paid as heretofore, and the Proportions thereof to be paid by the several Districts in the City and the Burgh of *Leith* respectively shall be ascertained and fixed by the Assessors for the said City and Burgh respectively, appointed under the Act for the Valuation of Lands and Heritages in *Scotland,* in Place of the Stentmasters appointed under the recited Acts; and the Magistrates and Council of *Edinburgh* shall, in reference to the said Land Tax, come in place of the Magistrates of *Canongate* and the Commissioners of the Southern Districts: Provided always, that no Person shall be subjected by virtue of this Act in any Portion of the Land Tax payable by the City who was not or could not be subjected thereto previously to the passing of this Act.

The Portion of the Police Territory of Edinburgh lying within the Burgh of Leith disjoined from the Edinburgh Police Territory.

XLI. From and after the Eleventh Day of *November* next after the passing of this Act so much of the Territory at present comprised within the Bounds of Police of the City as lies beyond the Boundary of the City as described in the Act first recited, and is situated within the Boundary of the Burgh of *Leith* described in the said Act, shall be and the same is hereby disjoined from the Police Territory of the said City: Provided always, that with the Exception of the Territory so disjoined the Limits of the Police of the said City shall remain as these are fixed by "The *Edinburgh* Police Act, 1848," and by "The *Edinburgh* Police Amendment Act, 1854," and that the whole Provisions, Powers, and Authorities of the said Acts, excepting in so far as altered by this Act, shall apply to and may be exercised within the said restricted Limits; provided also, that the Assessments leviable under the Two Acts last recited for the Year from *Whitsunday* Eighteen hundred and fifty-six to *Whitsunday* Eighteen hundred and fifty-seven shall, in so far as the Portion hereby disjoined from the Police Territory of the City is concerned, be leviable and levied by the Magistrates and Council, and that it shall and may be lawful to the Magistrates and Council to recover the said Assessments from the Territory so disjoined in the Manner directed by the said Acts, and as if this Act had not been passed.

Territory disjoined from the Edinburgh Police annexed to that of Leith.

XLII. The Territory situated within the Burgh of *Leith,* hereby disjoined from the Police Territory of the City, shall from and after the Eleventh Day of *November* next after the passing of this Act be annexed to and form Part of the "Old Bounds" described in the "*Leith* Municipal and Police Act, 1848;" and the whole Rights, Powers, Authorities, Jurisdiction, and Provisions conferred by and contained in the said "*Leith* Municipal and Police Act, 1848," shall apply to and extend over the Territory hereby disjoined and annexed as aforesaid, in the same Manner and as fully in all respects as if the same had originally formed Part of the said "Old Bounds;" and the said "Old Bounds" shall accordingly extend over and comprehend the Grounds, Streets, Lanes, Roads, and

whole

whole other Places locally situated and comprehended within the following Limits, being the Territory disjoined and annexed as aforesaid; *videlicet*, commencing at the Point on the *Lochend Road* at which the same is intersected by the Boundary of the Burgh of *Leith*, as defined in the Act first herein-before recited, thence along the North-east Boundary of the Grounds belonging to the *Trinity Hospital* to *Leith*, thence along *Duke Street* and the *New Road* to the Western Boundary of Mr Kirk's Property at the Foot of *Leith Walk*, thence by a Line to the Water-run which crosses the *Bonnington Road* at *Swanfield*, and along that Water-run to the *Water of Leith*, thence following the Course of the *Water of Leith* upwards to *Bonnington Bridge*, thence along the Boundary Line of the Burgh of *Leith* to the Point on the *Lochend Road* first mentioned; and the Assessments authorized by the said "*Leith* Municipal and Police Act, 1848," to be levied within the said "Old Bounds" shall extend to and be leviable within the Territory hereby disjoined and annexed as aforesaid, and the Monies arising therefrom, together with the Lamps, Lamp Posts and Irons, Fire Plugs, and public Privies, Urinals, or Conveniences at present erected in the said Territory, and also all the Dust, Dung, Ashes, and Fulzie, and other Materials, (excepting always Stable and Byre Dung), and all and singular other Matters and Things acquired, purchased, or made for Police Purposes within the Territory disjoined and annexed as aforesaid, shall from and after the said Eleventh Day of *November* be and the same are hereby vested in the Commissioners for the Police Purposes of the said "*Leith* Municipal and Police Act, 1848," and shall be applied by them in like Manner as the Assessments and other Property vested in them by the said last-mentioned Act: Provided always, that lands situated within the said Territory used solely for Agricultural Purposes, including Nursery Grounds and Market Gardens, shall not be liable to Assessment for ordinary Police Purposes, such as watching, lighting, paving, and cleansing, under the said "*Leith* Municipal and Police Act, 1848," so long as they shall continue to be used solely for Agricultural Purposes, or as Nursery Grounds or Market Gardens: Provided also, that the Magistrates and Council of the City shall be bound and they are hereby required to pay to the Commissioners of the *Leith* Police One-half of the Assessments for watching, lighting, and cleaning authorized to be levied by the Magistrates and Council for the Year from *Whitsunday* Eighteen hundred and fifty-six to *Whitsunday* Eighteen hundred and fifty-seven, in so far as regards the Territory disjoined and annexed as aforesaid, after Deduction of the Expenses attending the Collection, and of any Portion thereof which may be ascertained to be irrecoverable, and that Quarterly, from and after the Term of *Martinmas* Eighteen hundred and fifty-six.

Provisions as to Election of Commissioners of Police, &c. repealed.

XLIII. From and after the First Election and Induction into Office of the Magistrates and Councillors under this Act, the several Provisions and Enactments of "The *Edinburgh* Police Act, 1848," before recited with regard to the Division of the Police Bounds into Wards, the Election or Appointment of the general and resident Commissioners of Police for the respective Wards, and of certain *ex-officio* Persons conjoined with the General Commissioners and appointed by the said recited Act, the Citation of the Commissioners to attend Meetings, the Quorum of the Commissioners, the holding of Meetings of the Commissioners; the taking of Conveyances of heritable Property in favour of the Clerk of the Commissioners, the Party to represent the Commissioners in any Action or Suit, and generally with regard to the Constitution or Appointment of the Body consisting of the General Commissioners for the respective Wards and of the foresaid *ex-officio* Persons, and to their Clerk, being from Section Six to Section Twenty-eight inclusive, Section Thirty-three, and Section Forty-two of the said Act, and Schedules (A.) and (B.) thereunto annexed, shall be and the same are hereby repealed.

Transfer of Powers of Police Commissioners.

XLIV. From and after the said First Election and Induction into Office of the Magistrates and Councillors under this Act, the whole Powers and Authority of every Kind at present vested in the said General Commissioners of Police, conferred on them by "The *Edinburgh* Police Act, 1848," and "The *Edinburgh* Police Amendment Act, 1854," and by any Act with either of the said Acts incorporated, or by any other Act of Parliament, and standing unrepealed, shall be and the same are hereby transferred to and vested in the Magistrates and Council, who shall thenceforward, as Part of the ordinary Business of such Town Council, and according to the Rules by which the Conduct of such Business is regulated, exercise the whole Powers and Authority foresaid, and perform the whole Duties and Obligations, and fulfil all Contracts incumbent on the said Commissioners: Provided always, that in construing the said recited Acts, or any other Act in which the Commissioners of Police are referred to, the Expression "the Commissioners" or other similar Expression, shall be read as if the Expression "the Magistrates and Council" had been inserted instead thereof; and where the Word "Undertaker" in any Act incorporated with the said Acts is held by the said Acts to mean or include the Commissioners of Police, the said Word shall instead mean or include the Magistrates and Council; and the Word "Promoters" or "Commissioners" in any such incorporated Act shall also mean the said Magistrates and Council: Provided also, that in the Forms of Notices and Documents contained in any Schedule to the said "*Edinburgh* Police Act, 1848," annexed, and unrepealed, in which the Title of the Commissioners of Police is introduced, the Title of the Lord Provost, Magistrates, and Council shall be introduced instead, and Reference may be made to this Act in addition to the said other Police Acts: Provided further, that all Minutes and Entries in the Council Records, or other Minute Books of the Magistrates and Council, or of any Committees appointed by them under the Powers herein-after contained, shall, when duly signed, come in place of the Books of Proceedings of the Commissioners directed by "The *Edinburgh* Police Act, 1848," to be kept.

Property of Police Commissioners vested in Magistrates and Council.

XLV. The whole Lands, Houses, Assessments, Claims, Demands, Rights, Properties, and Effects of every Kind, heritable or moveable, belonging to or vested in the Commissioners of Police, or in any other Person on their Behalf, under and in virtue of the Acts before recited, in relation to the Police of the City of *Edinburgh* and adjoining Districts (but subject to any Liabilities to which the same are legally liable), shall from and after the said First Election and Induction into Office of the Magistrates and Councillors under this Act become vested in and shall belong to the Magistrates and Council for the Purposes of the said Acts, as fully and effectually to all Intents and Purposes as if the same had been formally and particularly conveyed to and vested in them, with full Power, Right, and Authority to the Magistrates and Council to levy, adjudge, sue for, and recover the same.

Deeds granted and Debts contracted under former Police Acts confirmed and secured.

XLVI. All Bonds, Assignments, Leases, Grants, Conveyances, or other Deeds or Securities made or granted to or by any Person under the Authority of the said recited *Edinburgh* Police Acts shall be as good, valid, and effectual, to all Intents and Purposes, as if the same had been made or granted under the Authority of this Act; and all Debts contracted, and all lawful Contracts entered into by virtue of the said recited Acts, shall remain valid and binding upon the Magistrates and Council as fully as if the same had been contracted and entered into under the Authority of this Act.

Former Rates may be collected, and Debts and Penalties recovered.

XLVII. Every Rate and Assessment which shall have been authorized to be collected and levied by virtue of the *Edinburgh* Police Acts above recited, or either of them, previously to the First Election and Induction into Office of the Magistrates and Councillors under this Act, and remaining unpaid, together with all Arrears of the same, shall continue to be due and payable, and shall and may be collected and levied by such

Ways and Means, and under such Restrictions and Regulations, as by the said Acts are directed, and shall be received and applied by the Magistrates and Council to and for the Purposes of the said Acts; and all Debts and Penalties incurred and due under the said Acts from any Person shall and may be demanded and recovered from such Person, and applied by the Magistrates and Council for the Purposes aforesaid.

Committees may be appointed to carry Purposes of Police Acts into execution.

XLVIII. The Magistrates and Council shall have Power to form Committees of their Number for carrying into execution the various Purposes of the said recited *Edinburgh* Police Acts, other than the Power to fix the Number and Pay of the Watching Force and of the other Officers and Servants of Police and the Power to lay on Assessments for general or special Purposes, and to delegate to such Committees the Powers competent to the Magistrates and Council as in place of the Commissioners under the said Acts with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener, who shall preside at such Committee, or in his Absence the Preses to be elected by the Committee for the Time, shall be entitled to a Casting Vote in case of Equality; and the Committees so to be formed shall report their Proceedings at each Ordinary Meeting of the Magistrates and Council: Provided always, that in nominating the several Committees, Care shall be taken that in one or other of such Committees each Ward shall be represented.

Officers under Commissioners of Police to continue.

XLIX. Notwithstanding the Transfer of the Powers of the Commissioners of Police to the Magistrates and Council, the several Officers appointed under and who may at the Time of such Transfer be employed by the said Commissioners shall respectively continue to exercise their Offices under the Magistrates and Council as in Place of the said Commissioners until they shall respectively be displaced or removed by them in virtue of the Powers conferred by the Police Acts before recited, or be incapable of executing their Offices: Provided, that nothing in this Act contained shall repeal or alter the Provisions as to the Appointment and Removal of the Superintendent of Police contained in the Seventy-second Section of "The *Edinburgh* Police Act, 1848."

Police Accounts, how to be kept.

L. The several Accounts of the pecuniary Transactions of the Magistrates and Council as in place of the Commissioners of Police shall be kept distinct from those of the Affairs of the Corporation of the City, and be laid open to Inspection and published, in the same Manner, at the same Time, and under the same Penalties as the Accounts of the Municipal Revenues of the City are now by Law required to be kept, laid open to Inspection, and published.

Conveyances of Heritable Property for Purposes of Police, how to be taken.

LI. The Dispositions and Conveyances of all heritable Property to be acquired for the Purposes of the said recited *Edinburgh* Police Acts shall be conceived and taken in Favour of the Magistrates and Council, and registered in the Register of Sasines for the Burgh or County respectively in which the Property conveyed shall be situated, which Dispositions and Conveyances the Keepers of the said Registers are hereby authorized and required to register; and on their being so registered, the said Dispositions and Conveyances shall receive the same Effect, and be as valid and effectual, to all Intents and Purposes, as if they had been followed by Sasine recorded according to the Law of *Scotland*.

Councillors to be deemed Constables, and to have a general Superintendence of their respective Wards for Police Purposes, &c.

LII. The Councillors of the several Wards shall have, exercise, and possess within the Limits of this Act all the Powers which by the Law of *Scotland* belong to the Office of Constable, and shall be Head Constables in and have a general Superintendence of their respective Wards, for enforcing the Provisions of the Police Acts and the Regulations made in virtue thereof, and for promoting and enforcing all Measures necessary for the Peace, Order, and Security of the Inhabitants therein; and the Magistrates and Council shall have Power, from Time to Time as may appear to them necessary, to appoint, remove, and reappoint Two Electors residing or carrying on Business in each Ward respectively, who shall in their several Wards perform the Duties heretofore discharged by the resident Commissioners of Police, under the Authority of the said recited *Edinburgh* Police Acts, and shall likewise have, exercise, and possess within the Limits of this Act all the Powers which by the Law of *Scotland* belong to the Office of Constable, and in the Absence of all the Councillors, shall be Head Constables in their respective Wards.

As to Duties of Judges in Police Court.

LIII. From and after the First Election and Induction into Office of the Magistrates under this Act, all Offences, Matters, and Things falling under the Provisions of "The *Edinburgh* Police Act, 1848," and of "The *Edinburgh* Police Amendment Act, 1854," to be judged of in the Police Court, shall be judged of in the said Court by the Magistrates, or any One of them: Provided always, that nothing herein contained shall affect the Powers conferred on the Sheriff of the County of *Edinburgh*, or his Substitutes, by the Eightieth Section of the First of the said Acts; provided also, that the Lord Provost and the Sheriff, and in the event of Difference between them Her Majesty's Advocate, shall from Time to Time arrange the Order in which the Magistrates and the Sheriff or his Substitutes shall officiate as Judges in the said Court: Provided further, that Offences committed or Matters arising within the Territory disjoined from the Bounds of the Police of the City and annexed to the Police of the Burgh of *Leith* as aforesaid shall be judged of in the Police Court of that Burgh.

Compensation to Officers, &c.

LIV. The Magistrates and Council shall take into consideration the Claims of the Officers and Servants of the City of *Edinburgh*, and of the Commissioners of Police, or of others who may be deprived of their Offices by the Operation of this Act, and grant such Compensations, Superannuations, or Allowances as to them shall appear reasonable, the Charge whereof shall be defrayed by the Magistrates and Council from any Sources or out of any Revenues under their Control, as in each Case may be deemed proper.

Certain Provisions of 9 & 10 Vict. c. ccclxv. repealed.

LV. And whereas under the Provisions of this Act certain Vacancies will be created in the City of *Edinburgh* Paving Board, appointed and acting under an Act passed in the Ninth and Tenth Year of the Reign of Her present Majesty, Chapter Three hundred and sixty-five, intituled "An Act for further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of *Edinburgh*, and the Assessments payable in respect thereof, and for other Purposes relating thereto," (hereinafter called the "*Edinburgh* Paving Act"), and it is expedient that Provision should be made for supplying such Vacancies: Be it enacted, that the said "*Edinburgh* Paving Act," in so far as it provides for the Convener of the Southern Districts, the Senior Bailie of *Portsburgh*, the Two Bailies of *Canongate*, all for the Time being, and Seven Members of the Town Council of the City of *Edinburgh* to be annually elected by the Town Council, and Three Persons to be annually elected by the Commissioners of the Southern Districts, being Trustees of the Middle District of Roads in the County of *Edinburgh* and Members of the City of *Edinburgh* Paving Board, shall be and is hereby repealed: Provided, that the Persons who, in virtue of holding the said Offices or of being elected by the Town Council or the Commissioners of the Southern Districts, shall at the passing of this Act be Trustees of the said Middle District, shall continue in Office until the Second *Monday* of *December* next after the passing of this Act.

Certain Persons who are Trustees of the Middle District continued.

Junior Bailie to be a Member of Paving Board.

LVI. From and after the Second *Monday* of *December* next after the passing of this Act, the Junior Bailie of the City of *Edinburgh* for the Time being shall be a Trustee of the said Middle District, and a Member of the said Paving Board.

Election of Thirteen

LVII. From and after the passing of this Act the Electors qualified to vote in the Election of Councillors for the City of *Edinburgh*

Members of Paving Board.

Edinburgh shall elect Thirteen Persons to be Trustees of the said Middle District and Members of the said Paving Board, as follows; that is to say, the Electors in each of the Thirteen Wards into which the City by this Act is appointed to be divided shall respectively, upon the first *Tuesday* of *November* next after the passing of this Act, and upon the First *Tuesday* of *November* in every succeeding Year, elect from and among such of the Persons contained in the Registers of Electors as reside or carry on Business within the Limits of this Act, whether Councillors or not, One Person, who shall be a Trustee of the said Middle District, and who shall enter on Office on the Second *Monday* of *December* in the Year of his Election, and shall continue in Office until the Second *Monday* of *December* in the Year next after his Election; and such Election shall be conducted by the legal Substitutes appointed to officiate and preside at the Polling Places in the several Wards in the Election of Councillors, and at the same Time with that Election, and the Votes shall be entered by the Persons appointed to officiate as Poll Clerks, in separate Columns, in the same Poll Books in which the Votes for Councillors in the several Wards are appointed to be entered, and in all other Respects such Election shall be proceeded in, and the Poll shall be cast up as nearly as may be in the same Manner, as is or may be provided and directed with respect to the Election of Councillors, and the Expense, if any, of such Election of Trustees shall be included in the Expense of the Election of Councillors, and paid from the same Sources; and the City Clerks shall, within Ten Days after the said First *Tuesday* of *November* yearly, transmit to the Clerk of the said Paving Board a certified List of the Thirteen Persons so elected for the said Wards, and the Clerk of the said Board shall send by Post to each of the Persons named in the said List an Intimation to him to attend at the Meeting of the said Board appointed by the said "*Edinburgh* Paving Act," to be held on the Second *Monday* of *December* yearly; and if by reason of any Neglect, or other Cause whatsoever, there shall be any Default in the Election of any of the said Persons, or if there shall be any Declinature of Office by any of them, it shall, notwithstanding, be competent to the other Trustees of the said Middle District to carry the said Act and other Acts relative to the said Middle District into Execution; and in the event of any such Default or Declinature, or of any of the said Thirteen Persons dying or resigning in the Course of the Year of Office, the other Trustees of the said Middle District shall supply the Vacancy or Vacancies so created, by electing from and among the foresaid Persons contained in the said Registers One Person to be a Trustee of the said Middle

District in the Place of each of the said Thirteen Persons through the Default in whose Election, or through whose Declinature, Death, or Resignation, a Vacancy is created; and the Person so elected shall continue in Office until the Expiration of the Period during which the Person whose Place he is elected to fill would have continued in Office.

Paving Board as constituted under this Act to execute existing Acts.

LVIII. From and after the Second *Monday* of *December* next after the passing of this Act, the Trustees of the said Middle District, now called the City of *Edinburgh* Paving Board, whose Offices remain unaffected by this Act, namely, the Lord Provost of the City of *Edinburgh*, the Sheriff of the County of *Edinburgh*, the Dean of Guild of the said City, the Convener of the Trades of the said City, all for the Time being, two Conveners of County Districts of Turnpike Roads in the said County to be elected annually by the Conveners of the several County Districts, One Person to be annually elected by each of the following Public Bodies, the Merchants Company of *Edinburgh*, the Faculty of Advocates, the Society of Writers to the Signet, and the Society of Solicitors in the Supreme Courts, Three Persons possessed of sufficient Heritable Property in the Parish of *Saint Cuthbert's* to enable them to act as Trustees in any Parish of the said County other than those within the said Middle District, to be annually elected by the Justices of the Peace of the said County, all as provided by the said *Edinburgh* Paving Act; and the Trustees appointed by this Act, namely, the Junior Bailie of the said City for the Time being, and Thirteen Persons to be elected in Manner herein-before provided by the Electors in the Thirteen Wards into which the said City by this Act is appointed to be divided, shall be and are hereby appointed Trustees for carrying into execution the said *Edinburgh* Paving Act, and also another Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, Chapter One hundred and thirty-four, intituled "An Act for Removal of Toll Bars beyond the Parliamentary Boundaries of the City of *Edinburgh*, and for other Purposes," and all other Acts of Parliament having Relation in any manner of way to the said Middle District, and that in and under the whole Clauses and Provisions of the said Acts, excepting in so far as herein-before expressly repealed, and shall be as heretofore called "the City of *Edinburgh* Paving Board," and shall be to all Intents and Purposes a Continuation of and identical with the said Board existing at the passing of this Act.

Vesting Property and Powers in Paving Board.

LIX. From and after the Second *Monday* of *December* next after the passing of this Act, the whole Powers and Authority of every kind at present vested in the said Paving Board by the said *Edinburgh* Paving Act and the Acts last recited and referred to shall be and the same are hereby transferred to and vested in the said Trustees hereby appointed, who shall thenceforward exercise all such Powers and Authority aforesaid, and perform the whole Duties and Obligations, and fulfil all Contracts incumbent on the said Paving Board; and the whole Lands, Houses, Assessments, Claims, Demands, Rights, Properties, and Effects of every kind, heritable or moveable, belonging to or vested in the said Paving Board, or in any Person on their Behalf, under or in virtue of the said Acts, or otherwise, shall become vested in and shall belong to the said Trustees for the Purposes of the said Acts, as fully and effectually to all Intents and Purposes as if the same had been formally and particularly conveyed to and vested in them, with full Power, Right, and Authority to the said Trustees to levy, adjudge, sue for, and recover the same, in manner provided in the said Acts; and all Bonds, Assignments, Leases, Grants, Conveyances, or other Deeds or Securities made or granted under the Authority of the said Acts, shall remain good and valid, and shall have the same Effect as if made or granted to, by, or on behalf of the said Trustees; and all Debts contracted and all Contracts entered into, by virtue of the said Acts, shall remain valid and be binding upon the said Trustees; and all Rates and Assessments authorized to be collected and levied by virtue of the said Acts, or any of them, together with all Arrears of the same, as well as all Debts and Penalties incurred or due under the said Acts, shall continue to be due and payable, and shall and may be collected and recovered by the said Trustees, by such Ways and Means, and under such Regulations, as by the said Acts are directed, and shall be received and applied by the said Trustees to and for the Purposes of the said Acts; and the Clerk, Collector, Treasurer, Inspector, Surveyors, and other Officers appointed or employed under the said Acts shall continue to hold and exercise their respective Offices and Employments until they shall be displaced or removed by the said Trustees, or shall resign or become incapable of executing their respective Offices; and the said Clerk, Collector, Treasurer, Inspector, Surveyors, and other Officers shall have the same Powers as are conferred on them by the said Acts, and be subject to the like Rules, Regulations, Pains, and Penalties as are therein provided with respect to them.

Former Acts of Paving Board to remain valid.

LX. Notwithstanding the Repeal of certain Provisions of the said "*Edinburgh* Paving Act," and except only as by this Act expressly provided, everything before the Commencement of this Act done or suffered under the said Act shall be as valid as if none of the Provisions of the said Act were repealed; and the

Repeal of the said Provisions and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said Act were not to any Extent repealed and this Act were not passed, would be incident to or consequent on any and everything so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the said Board, as continued by this Act, shall to all Intents and Purposes represent the Board under the said Paving Act: Provided always, that the Generality of this Enactment shall not be confined or restricted by any Provisions in this Act contained.

Expenses of Act.

LXI. The Charges and Expenses attending the obtaining and passing of this Act, and incidental thereto, shall be paid out of the Municipal Revenues of the City.

DIVISION OF THE CITY OF EDINBURGH INTO THIRTEEN WARDS,

FOR THE

EXERCISE OF THE PARLIAMENTARY FRANCHISE,

AND ALSO OF THE

MUNICIPAL FRANCHISE,

Made by the Right Hon. JOHN MELVILLE, Lord Provost of the City; JOHN THOMSON GORDON, Esq., Sheriff of the County of Edinburgh; and DAVID MURE, Esq., Advocate, Sheriff of the County of Perth (appointed by the Right Hon. Sir GEORGE GREY, Bart., one of Her Majesty's Principal Secretaries of State, in Terms of "The Edinburgh Municipality Extension Act, 1856."

I. CALTON WARD.

To comprehend the whole lands and others within the following limits:—From a point on the London Road where the said road is intersected by the Parliamentary boundary; thence westward along the centre of the said road, of the Regent Road, and of Waterloo Place; thence northward along the centre of East Register Street, of the Street on the west side of St James' Square, and of Elder Street to York Place; thence eastward along the centre of the east division of York Place to Broughton Street; thence southward to the head of Leith Walk; thence along the centre of Leith Walk to the point where it is intersected by the Parliamentary boundary at Pilrig Street; and thence eastward and southward along the said boundary to the point first mentioned.

II. BROUGHTON WARD.

To comprehend the whole lands and others within the following limits:—From the head of Leith Walk, along the centre of said Walk, to the point where it is intersected by the Parliamentary boundary at Pilrig Street; thence along the said boundary northward and westward to a point on the said boundary opposite the centre of the high road leading from Golden Acre to Canonmills Bridge; and thence southward along the centre of the said high road by Canonmills Bridge and Broughton Street to the head of Leith Walk.

III. ST BERNARD'S WARD.

To comprehend the whole lands and others within the following limits:—From a point on the Parliamentary boundary at Golden Acre opposite the centre of the high road leading southward to Canonmills Bridge; thence westward and south-westward along the said boundary to the Water of Leith; thence along the said Water to a point opposite the north side of St Bernard's Well; thence by a straight line to the north-west angle of the garden wall behind the houses of Moray Place; thence north eastward along the said wall, and by production of the line thereof to the centre of Doune Terrace; thence eastward along the centre of the said Terrace to Church Lane; thence northward along the centre of the said Lane and of Church Street to a point opposite the said street in the centre of the high road leading from Stockbridge to Howe Street; thence south-eastward along the centre of the said road to the foot of Howe Street; thence northward and eastward along the centre of St Vincent Street, of Fettes Row, and of Royal Crescent, to Scotland Street; thence southward, south-eastward, and eastward, along the centre of Scotland Street, of the street in front of the Northern Quadrant of Drummond Place, and of London Street, to the high road at the east end of the street last mentioned; and thence northward along the centre of the high road by Canonmills Bridge to the point first mentioned.

IV. ST GEORGE'S WARD.

To comprehend the whole lands and others within the following limits:—From the point on the Parliamentary boundary where it intersects the Water of Leith near John Watson's Institution along the said Water to a point opposite the north side of St Bernard's Well; thence by a straight line to the north-west angle of the garden wall behind the houses of Moray Place; thence north-eastward along the said wall, and by production of the line thereof to the centre of Doune Terrace; thence eastward along the centre of Doune Terrace and of Gloucester Place to India Street; thence southward along the centre of India Street to Heriot Row; thence westward along the centre of Heriot Row to Wemyss Place; thence southward along the centre of Wemyss Place to Queen Street; thence westward along the centre of Queen Street to North Charlotte Street; thence southward along the centre of North Charlotte Street, of the street on the east side of Charlotte Square, and of South Charlotte Street, to Princes Street; thence westward along the centre of Princes Street to the Lothian Road; thence along the centre of the said road to St Cuthbert's Lane; thence along the centre of the said lane to Morrison Street; thence along the centre of the said street to the road leading to Coltbridge; thence westward along the centre of the said road to the point where it is intersected by the Parliamentary boundary; and thence northward along the said boundary to the point first mentioned.

V. ST STEPHEN'S WARD.

To comprehend the whole lands and others within the following limits:—From a point opposite the foot of Church Street, in the centre of the high road leading from the Stockbridge south-eastward; thence along the centre of the said road to the foot of Howe Street; thence northward and eastward along the centre of St Vincent Street, of Fettes Row, and of Royal Crescent, to Scotland Street; thence southward along the centre of Scotland Street, of the street in front of the Quadrants of Drummond Place, and of Dublin Street to Abercromby Place; thence westward along the centre of Abercromby Place, and of Heriot Row to India Street; thence northward along the centre of the said street to Gloucester Place; thence westward along the centre of Gloucester Place to Church Lane; and thence northward along the centre of Church Lane and of Church Street, to the point first mentioned.

VI. ST LUKE'S WARD.

To comprehend the whole lands and others within the following limits:—From a point in the centre of the street at the west end of Heriot Row, opposite the centre of the street of Wemyss Place; thence southward along the centre of Wemyss Place to Queen Street; thence westward along the centre of Queen Street to North Charlotte Street; thence southward along the centre of North Charlotte Street, of the street on the east side of Charlotte Square, and of South Charlotte Street to Princes Street; thence eastward along the centre of Princes Street to Hanover Street; thence northward along the centre of Hanover Street, and of the road between the Queen Street Gardens to Heriot Row; and thence westward along the centre of Heriot Row to the point first mentioned.

VII. ST ANDREW'S WARD.

To comprehend the whole lands and others within the following limits:—From a point in the centre of Princes Street opposite the centre of Hanover Street; thence eastward along the centre of Princes Street to East Register Street; thence northward along the centre of East Register Street, of the street on the west side of St James' Square, and of Elder Street to York Place; thence eastward along the centre of the east division of York Place to Broughton Street; thence northward along the centre of Broughton Street to London Street; thence westward, south-westward, and southward along the centre of London Street, of the street in front of the Southern Quadrant of Drummond Place, and of Dublin Street to Abercromby Place; thence westward along the centre of Abercromby Place to the east end of Heriot Row; and thence southward along the centre of the road between the Queen Street Gardens, and of Hanover Street, to the point first mentioned.

VIII. CANONGATE WARD.

To comprehend the whole lands and others within the following limits:—From a point on the London Road where the said road is intersected by the Parliamentary boundary; thence westward along the centre of the said road, of the Regent Road, and of Waterloo Place, to the North Bridge; thence southward along the centre of the North Bridge, and of the South Bridge, to Drummond Street; thence eastward along the centre of Drummond Streets to the Pleasance; thence southward along the centre of the Pleasance to Salisbury Street; thence eastward along the centre of Salisbury Street to the Dumbiedykes Road; thence northward along the centre of the said road to a point opposite the entrance to the Queen's Park at the foot of Arthur Street; thence eastward to the boundary wall of the Park at the said entrance; thence south-eastward along the said wall to the point at which it is intersected by the Parliamentary boundary; and thence northward along the said boundary to the point first mentioned.

IX. ST GILES' WARD.

To comprehend the whole lands and others within the following limits:—From a point in the centre of Princes Street opposite the North Bridge; thence westward along the centre of Princes Street to the Lothian Road; thence southward along the centre of the said road to the road leading to King's Stables; thence south-eastward and southward along the centre of the last-mentioned road to the West Port; thence eastward by the southern wall of the Old Corn Market, and the centre of the Grassmarket, to the Cowgate-head; thence southward along the centre of Candlemaker Row, and of Forrest Road, to the road in front of Teviot Row; thence eastward along the centre of the road last mentioned, of Lothian Street, and of South College Street to the South Bridge; and thence northward along the centre of the South Bridge, and of the North Bridge, to the point first mentioned.

X. ST CUTHBERT'S WARD.

To comprehend the whole lands and others within the following limits:—From a point in the centre of the Lothian Road opposite St Cuthbert's Lane; thence along the centre of the said Lane to Morrison Street; thence along the centre of said street to the road leading to Coltbridge; thence westward along the centre of the said road to the point where it is intersected by the Parliamentary boundary; thence southward along the said boundary to the point on the Union Canal where it is intersected by the said boundary; thence north-eastward along the Canal to the Bridge over the Canal at Fountainbridge Street; thence eastward along the centre of the said street to Earl Grey Street; thence southward along the centre of Earl Grey Street to Tollcross; thence eastward along the centre of the high road by Lauriston Place to Forrest Road; thence northward and north-westward along the centre of Forrest Road and of Candlemaker Row to the Grassmarket; thence westward along the centre of the Grassmarket and by the southern wall of the Old Corn Market to the West Port; and thence northward and north-westward along the centre of the street and road leading by King's Stables to the Lothian Road to the point first mentioned.

XI. GEORGE'S SQUARE WARD.

To comprehend the whole lands and others within the following limits:—From a point in the centre of the high road at Tollcross, opposite Brougham Street; thence eastward along the centre of the said road by Lauriston Place and Teviot Row, and the centre of Lothian Street and of South College Street to Nicolson Street; thence southward along the centre of Nicolson Street, of St Patrick Street, and of Clerk Street, to a point in the centre of the last-mentioned street opposite the footpath on the north side of Hope Park Chapel; thence westward along the centre of the said footpath to a point opposite the same in the centre of the high road leading to Causewayside; thence southward along the centre of the said road to a point opposite the entrance to the Southern Meadow Walk; thence westward along the centre of the said walk, and by the northern boundary of Bruntsfield Links and the production of the line of the said boundary to the centre of the Wright's Houses Road; and thence northward along the centre of the said road to the point first mentioned.

XII. ST LEONARD'S WARD.

To comprehend the whole lands and others within the following limits:—From a point in the centre of Nicolson Street opposite Drummond Street; thence eastward along the centre of Drummond Streets to the Pleasance; thence southward along the centre of the Pleasance to Salisbury Street; thence eastward along the centre of Salisbury Street to the Dumbiedykes Road; thence northward along the centre of the said road to a point opposite the entrance to the Queen's Park at the foot of Arthur Street; thence eastward to the boundary wall of the Park at the said entrance; thence south-eastward along the said wall to the Gibbet Loan; thence south-westward along the centre of the said loan to the Dalkeith Road; thence northward along the centre of the last-mentioned road to East Preston Street; thence westward along the centre of the said street to South Clerk Street; and thence northward along the centre of Clerk Street, of St Patrick Street, and of Nicolson Street, to the point first mentioned.

XIII. NEWINGTON WARD.

To comprehend the whole lands and others within the following limits :- From a point in the centre of the high road at Tollcross opposite Earl Grey Street; thence northward along the centre of the said street to Fountainbridge Street; thence westward along the centre of the street last mentioned to the bridge over the Union Canal, where the Canal intersects the said Street; thence south-westward along the Canal to the point where it is intersected by the Parliamentary boundary; thence south-eastward, southward, and north-eastward along the said boundary to the boundary wall of the Queen's Park at the point where the said wall is intersected by the said boundary; thence north-westward along the said wall to the Gibbet Loan; thence south-westward along the centre of the said loan to the Dalkeith Road; thence northward along the centre of the last-mentioned road to East Preston Street; thence westward along the centre of the said Street to South Clerk Street; thence northward along the centre of the said street to a point opposite the footpath on the north side of Hope Park Chapel; thence westward along the centre of the said footpath to a point opposite the same in the centre of the high road leading to Causewayside; thence southward along the centre of the said road to a point opposite the entrance to the southern Meadow Walk; thence westward along the centre of the said walk, and by the northern boundary of Bruntsfield Links and the production of the line of the said boundary to the centre of the Wright's Houses Road; and thence northward along the centre of the said road to the point first mentioned.

The foregoing Division reported to and approved of by me, one of Her Majesty's Principal Secretaries of State, in terms of the Statute before mentioned.

G. GREY.

WHITEHALL, 18*th July* 1856.

CAP. XCVII.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XCVII.

An Act to amend the Laws of England *and* Ireland *affecting Trade and Commerce.*—[*29th* July 1856.]

WHEREAS Inconvenience is felt by Persons engaged in Trade by reason of the Laws of *England* and *Ireland* being in some Particulars different from those of *Scotland* in Matters of common Occurrence in the Course of such Trade, and with a view to remedy such Inconvenience it is expedient to amend the Laws of *England* and *Ireland* as herein-after is mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons acquiring Title to Goods before they have been seized or attached under a Writ against the Seller protected.

I. No Writ of Fieri facias or other Writ of Execution, and no Writ of Attachment against the Goods of a Debtor, shall prejudice the Title to such Goods acquired by any person *bona fide* and for a valuable Consideration before the actual Seizure or Attachment thereof by virtue of such Writ; provided such Person had not, at the Time when he acquired such Title,

---

Although this is an English Act, yet, as it, together with the Act Amending the Laws of Scotland affecting Trade and Commerce (Cap. 60) assimilates the Mercantile Laws of both Countries, and as it may affect Scottish Interests, it is here inserted.

Title, Notice that such Writ, or any other Writ by virtue of which the Goods of such Owner might be seized or attached, had been delivered to and remained unexecuted in the Hands of the Sheriff, Under Sheriff, or Coroner.

Specific Delivery of Goods sold.

II. In all Actions and Suits in any of the Superior Courts of Common Law at *Westminster* or *Dublin*, or in any Court of Record in *England*, *Wales*, or *Ireland*, for Breach of Contract to deliver specific Goods for a Price in Money, on the Application of the Plaintiff, and by leave of the Judge before whom the Cause is tried, the Jury shall, if they find the Plaintiff entitled to recover, find by their Verdict what are the Goods in respect of the Non-delivery of which the Plaintiff is entitled to recover and which remain undelivered; what (if any) is the Sum the Plaintiff would have been liable to pay for the Delivery thereof; what Damages (if any) the Plaintiff would have sustained if the Goods should be delivered under Execution, as herein-after mentioned, and what Damages if not so delivered; and thereupon, if Judgment shall be given for the Plaintiff, the Court or any Judge thereof, at their or his Discretion, on the Application of the Plaintiff, shall have Power to order Execution to issue for the Delivery, on Payment of such Sum (if any) as shall have been found to be payable by the Plaintiff as aforesaid, of the said Goods, without giving the Defendant the Option of retaining the same upon paying the Damages assessed; and such Writ of Execution may be for the Delivery of such Goods; and if such Goods so ordered to be delivered, or any Part thereof, cannot be found, and unless the Court, or such Judge or Baron as aforesaid, shall otherwise order, the Sheriff, or other Officer of such Court of Record, shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick, or within the Jurisdiction of such other Court of Record, till the Defendant deliver such Goods, or, at the Option of the Plaintiff, cause to be made of the Defendant's Goods the assessed Value or Damages, or a due Proportion thereof; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action or Suit.

Consideration for Guarantee need not appear by Writing.

III. No special Promise to be made by any Person after the passing of this Act to answer for the Debt, Default, or Miscarriage of another Person, being in Writing, and signed by the Party to be charged therewith or some other Person by him thereunto lawfully authorized, shall be deemed invalid to support an Action, Suit, or other Proceeding to charge the Person by whom such Promise shall have been made, by reason only that the Consideration for such Promise does not appear in Writing, or by necessary Inference from a written Document.

IV. No

Guarantee to or for a Firm to cease upon a change in the Firm, except in special Cases.

IV. No Promise to answer for the Debt, Default, or Miscarriage of another made to a Firm consisting of Two or more Persons, or to a single Person trading under the Name of a Firm, and no Promise to answer for the Debt, Default, or Miscarriage of a Firm consisting of Two or more Persons, or of a single Person trading under the Name of a Firm, shall be binding on the Person making such Promise in respect of anything done or omitted to be done after a Change shall have taken place in any One or more of the Persons constituting the Firm, or in the Person trading under the Name of a Firm, unless the Intention of the Parties, that such Promise shall continue to be binding notwithstanding such Change, shall appear either by express Stipulation or by necessary Implication from the Nature of the Firm or otherwise.

A Surety who discharges the Liability to be entitled to Assignment of all Securites held by the Creditor.

V. Every Person who, being Surety for the Debt or Duty of another, or being liable with another for any Debt or Duty, shall pay such Debt or perform such Duty, shall be entitled to have assigned to him, or to a Trustee for him, every Judgment, Specialty, or other Security which shall be held by the Creditor in respect of such Debt or Duty, whether such Judgment, Specialty, or other Security shall or shall not be deemed at Law to have been satisfied by the Payment of the Debt or Performance of the Duty, and such Person shall be entitled to stand in the Place of the Creditor, and to use all the Remedies, and, if need be, and upon a proper Indemnity, to use the Name of the Creditor, in any Action or other Proceeding, at Law or in Equity, in order to obtain from the principal Debtor, or any Co-Surety, Co-Contractor, or Co-Debtor, as the Case may be, Indemnification for the Advances made and Loss sustained by the Person who shall have so paid such Debt or performed such Duty, and such Payment or Performance so made by such Surety shall not be pleadable in bar of any such Action or other Proceeding by him: Provided always, that no Co-Surety, Co-Contractor, or Co-Debtor shall be entitled to recover from any other Co-Surety, Co-Contractor, or Co-Debtor, by the Means aforesaid, more than the just Proportion to which, as between those Parties themselves, such last-mentioned Person shall be justly liable.

Acceptance of a Bill Inland or Foreign to be in Writing on it, and signed by the Acceptor or his Agent.

VI. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of *December* One thousand eight hundred and fifty-six, shall be sufficient to bind or charge any Person, unless the same be in Writing on such Bill, or, if there be more than One Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

VII. Every Bill of Exchange or Promissory Note, drawn

or

What are to be deemed "Inland Bills."

or made in any Part of the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which, but for this Enactment, would be payable in respect of any such Bill or Note.

With reference to the Repairs of Ships, every Port within the United Kingdom, &c., a Home Port.

VIII. In relation to the Rights and Remedies of Persons having Claims for Repairs done to, or Supplies furnished to or for, Ships, every Port within the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

Limitation of Actions for "Merchants' Accounts."

IX. All Actions of Account or for not accounting, and Suits for such Accounts, as concern the Trade of Merchandise between Merchant and Merchant, their Factors or Servants, shall be commenced and sued within Six Years after the Cause of such Actions or Suits, or when such Cause has already arisen then within Six Years after the passing of this Act; and no Claim in respect of a Matter which arose more than Six Years before the Commencement of such Action or Suit shall be enforceable by Action or Suit by reason only of some other Matter of Claim comprised in the same Account having arisen within Six Years next before the Commencement of such Action or Suit.

Absence beyond Seas or Imprisonment of a Creditor not to be a Disability.

X. No Person or Persons who shall be entitled to any Action or Suit with respect to which the Period of Limitation within which the same shall be brought is fixed by the Act of the Twenty-first Year of the Reign of King *James* the First, Chapter Sixteen, Section Three, or by the Act of the Fourth Year of the Reign of Queen *Anne*, Chapter Sixteen, Section Seventeen, or by the Act of the Fifty-third Year of the Reign of King *George* the Third, Chapter One hundred and twenty-seven, Section Five, or by the Acts of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Twenty-seven, Sections Forty, Forty-one, and Forty-two, and Chapter Forty-two, Section Three, or by the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, shall be entitled to any Time within which to commence and sue such Action or Suit beyond the Period so fixed for the same by the Enactments aforesaid, by reason only of such Person, or some One or more of such Persons, being at the Time of such Cause of Action or Suit accrued beyond the Seas, or in the Cases in which by virtue of any of the aforesaid Enactments Imprisonment is now a Disability, by reason of such Person or some One or more of such Persons being imprisoned at the Time of such Cause of Action or Suit accrued.

Period of Limitation to run as to Joint Debtors in the Kingdom, though some are beyond Seas.

Judgment recovered against Joint Debtors in the Kingdom to be no Bar to proceeding against others beyond Seas after their Return.

XI. Where such Cause of Action or Suit with respect to which the Period of Limitation is fixed by the Enactments aforesaid or any of them lies against Two or more Joint Debtors, the Person or Persons who shall be entitled to the same shall not be entitled to any Time within which to commence and sue any such Action or Suit against any One or more of such Joint Debtors who shall not be beyond the Seas at the Time such Cause of Action or Suit accrued by reason only that some other One or more of such Joint Debtors was or were at the Time such Cause of Action accrued beyond the Seas, and such Person or Persons so entitled as aforesaid shall not be barred from commencing and suing any Action or Suit against the Joint Debtor or Joint Debtors who was or were beyond Seas at the Time the Cause of Action or Suit accrued after his or their Return from beyond Seas, by reason only that Judgment was already recovered against any One or more of such Joint Debtors who was not or were not beyond Seas at the Time aforesaid.

Definition of "beyond Seas," within 4 & 5 Anne, c. 16. and this Act.

XII. No Part of the United Kingdom of *Great Britain* and *Ireland*, nor the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be beyond Seas within the Meaning of the Act of the Fourth and Fifth Years of the Reign of Queen *Anne*, Chapter Sixteen, or of this Act.

Provisions of 9 G. 4. c. 14. ss. 1. & 8. and 16 & 17 Vict. c. 113. ss. 24. & 27. extended to Acknowledgments by Agents.

XIII. In reference to the Provisions of the Acts of the Ninth Year of the Reign of King *George* the Fourth, Chapter Fourteen, Sections One and Eight, and the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Sections Twenty-four and Twenty-seven, an Acknowledgment or Promise made or contained by or in a Writing signed by an Agent of the Party chargeable thereby duly authorized to make such Acknowledgment or Promise, shall have the same Effect as if such Writing had been signed by such Party himself.

Part Payment by one Contractor, &c. not to prevent Bar by certain Statutes of

XIV. In reference to the Provisions of the Acts of the Twenty-first Year of the Reign of King *James* the First, Chapter Sixteen, Section Three, and of the Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Forty-two, Section Three, and of the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, when there shall be Two or more Co-Contractors, or Co-Debtors, whether bound or liable jointly only or jointly and severally, or Executors or Administrators of any Contractor, no such Co-Contractor or Co-Debtor, Executor, or Administrator shall lose the Benefit of the said Enactments or any of them, so as to be chargeable in respect or by reason only of Payment of any Principal, Interest, or other Money, by any other or others of such Co-Contractors or Co-Debtors, Executors, or Administrators.

Limitations in favour of another Contractor, &c.

XV. In order to enable the Superior Courts of Common Law at *Westminster* and *Dublin*, and the Judges thereof respectively, to make Rules and Regulations, and to frame Writs and Proceedings, for the Purpose of giving effect to this Act, the Two hundred and twenty-third and Two hundred and twenty-fourth Sections of "The Common Law Procedure Act, 1852," shall, so far as this Act is to take effect in *England*, and the Two hundred and thirty-third and Two hundred and fortieth Sections of "The Common Law Procedure Amendment Act (*Ireland*), 1853," shall, so far as this Act is to take effect in *Ireland*, be incorporated with this Act, as if those Provisions had been severally herein repeated and made to apply to this Act.

Rules and Regulations may be made and Writs and Proceedings framed for the Purposes of this Act.

XVI. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act 1856."

Short Title.

XVII. Nothing in this Act shall extend to *Scotland*.

Extent of Act.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

PUBLIC GENERAL STATUTES
AFFECTING SCOTLAND.

STATUTES PASSED IN THE FIFTH SESSION OF THE
SIXTEENTH PARLIAMENT OF THE
UNITED KINGDOM.

STATUTES PASSED IN THE FIRST SESSION OF THE
SEVENTEENTH PARLIAMENT OF THE
UNITED KINGDOM.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTIETH YEAR

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FIFTH SESSION of the SIXTEENTH PARLIAMENT
of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS
PASSED IN THE ABOVE SESSION.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1857

E Robertson

LICENCE.

In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize William Blackwood and Sons, Printers in Edinburgh, to Print and Publish, as by the Authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said William Blackwood and Sons.

AND. RUTHERFURD.

London, 31*st March* 1848.

CONTENTS.

Page

A Table of the Public General Statutes passed in the Fifth Session of the Sixteenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1

A Table of all the Local and Personal Acts, declared public, and to be judicially noticed, do. do. . 13

Index to Statutes affecting Scotland, ... 14

Index to all the Public General Acts, ... 15

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

Cap. VI. An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices, ... 2

Cap. XI. An Act to amend the Commissioners of Supply (Scotland) Act, 1856, ... 4

Cap. XV. An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles, ... 6

Cap. XVI. An Act to amend an Act of the last Session of Parliament, for repealing and re-imposing, under new Regulations, the Duty on Race Horses, ... 9

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO
VICTORIÆ REGINÆ.

CAP. I.

An Act to amend the Act for limiting the Time of Service in the Royal Marine Forces.—[9*th* March 1857.]

CAP. II.

An Act to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases.—[9*th* March 1857.] (England.)

CAP. III.

An Act to confirm certain Provisional Orders of the General Board of Health, applying the Public Health

Health Act, 1848, *to the Districts of* Ipswich, Oldbury, Stroud, Llangollen, *and* Dukinfield; *and for altering the Constitution of the Local Board for the Main Sewerage District of* Wisbech *and* Walsoken. —[*9th* March 1857.]

CAP. IV.

An Act to enable the Subjects of the Ionian States *to hold Military and Naval Commissions under the Crown.*—[*9th* March 1857.]

CAP. V.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[*21st* March 1857.]

CAP. VI.

An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices.—[*21st* March 1857.]

WHEREAS under and by virtue of the several Acts now in force relating to the Income Tax certain Rates of Duty have been granted for and in respect of all Property, Profits, and Gains in the said Acts specified, and the aggregate Amount of such Rates chargeable for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven is the Rate of One Shilling and Fourpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively, subject to certain Deductions, Abatements, and Relief in the several Cases in the said Acts specified: And whereas it is expedient to reduce the said Rates of Duty for the Year commencing as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Reduced Rate of 7*d.* in the Pound to be charged for the Year commencing from the 5th April 1857.

I. In lieu of the Rates of Duty chargeable under the several Acts in force relating to the Income Tax for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven, there shall be charged, raised, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, for and in respect of all Property, Profits, and Gains chargeable under the said several Acts, the reduced Rate of Sevenpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains; subject to a further Reduction of the Rates now in force, in the same Proportion that the Rate of Sevenpence bears to the Rate of One Shilling and Fourpence, in the several Cases mentioned or referred to in the Second Section of the Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty: Provided nevertheless, that where under the last-mentioned Enactment any Person is now chargeable with the Rate of Elevenpence Halfpenny for every Twenty Shillings of his Property, Profits, and Gains, he shall be chargeable, for the Year commencing as aforesaid, at the Rate of Fivepence for every Twenty Shillings of his Profits and Gains.

CAP. VII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[21*st* March 1857.]

CAP. VIII.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.—[21*st* March 1857.] (England.)

CAP. IX.

CAP. IX.

An Act for settling and securing an Annuity on the Right Honourable Charles Shaw Lefevre, *in consideration of his eminent Services.*—[21*st* March 1857.]

CAP. X.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.—[21*st* March 1857.]

CAP. XI.

An Act to amend the Commissioners of Supply (Scotland) *Act*, 1856.—[21*st* March 1857.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Section 3. of 19 & 20 Vict. c. 93. repealed.

I. The Third Section of an Act of the Nineteenth and Twentieth Years of Her Majesty's Reign, intituled *An Act to constitute all legally qualified Persons in* Scotland *Commissioners of Supply without being named in an Act of Supply*, is hereby repealed.

Clerk of Supply to make up List of Commissioners under subsisting Act of Supply.

II. The Clerk of Supply in every County in *Scotland* shall, prior to the Thirtieth Day of *April* in the present Year, make up a List of all Commissioners of Supply of such County entitled to act and vote under any subsisting Act of Supply, and the General Meeting of Commissioners of Supply in every County to be held on the said Thirtieth Day of *April* shall add to such List the Names of all Persons who shall, prior to the Tenth Day of *December* last, have lodged Claims to be enrolled under the said recited Act as Commissioners of Supply; provided always, that the said Meeting shall be satisfied of the Qualification of such Claimants.

Claims to be given to

III. Before the Twentieth Day of *October* in each Year every Person desirous of having his Name added to the aforesaid List shall give in to the Clerk of Supply a Claim in Writing setting forth the Grounds of such Claim, and all such Claims shall remain in the Custody of the Clerk of Supply open to the Inspection of any Commissioner of Supply till the Thirtieth Day of the said Month; and any Commissioner of Supply intending to object to any Claimant being placed on the List or to any Person on the List remaining thereon shall, within Ten Days after the said Thirtieth Day of *October*, give Notice in Writing to the Clerk of Supply of his Intention, and shall also, within the said Period, intimate his having done so to the Person to be objected to by written Notice transmitted to him by Post, and he shall at the Meeting of the Committee for disposing of Claims and Objections appointed under the Provisions of the said recited Act adduce Evidence of his having given such last-mentioned Notice, or if he fail to adduce such Evidence he shall not be entitled to appear and insist in his Objection before the Committee; and the Clerk of Supply shall give to every Person objected to and to all Persons who may have lodged Claims or Objections respectively Ten Days Notice in Writing of the Time and Place fixed in Terms of the said recited Act for disposing of the same.

the Clerk in Writing.

Notice of Objections to be given to Persons objected to.

IV. This Act and the said recited Act shall be read as One Act.

Recited Act and this Act to be as One.

CAP. XII.

An Act to amend an Act of the Ninth Year of King George *the Fourth, Chapter Eighty-two, intituled* An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in *Ireland*, in certain Cases.—[21*st* March 1857.]

CAP. XIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. —[21*st* March 1857.]

CAP. XIV.

CAP. XIV.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[21*st* March 1857.]

CAP. XV.

An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles.—[21*st* March 1857.]

WHEREAS it is expedient to alter the Duties and Drawbacks of Customs imposed or allowed by any Act or Acts in force relating to the Customs upon the several Articles herein mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Alteration of Duties on Tea.

I. That in lieu of the Duties of Customs chargeable on Tea imported into *Great Britain* and *Ireland* during the Period herein-after mentioned the following Duties shall be charged; that is to say,

From and after Fifth *April* One thousand eight hundred and fifty-seven to Fifth *April* One thousand eight hundred and fifty-eight, 1*s.* 5*d.* *per* Pound.

Alteration of Customs Duties on Sugar.

II. That in lieu of the Duties of Customs chargeable on Sugar imported into *Great Britain* and *Ireland* during the Period herein-after mentioned the following Duties shall be charged; that is to say,

	From and after 5th April 1857 to 5th April 1858 inclusive.		
SUGAR, viz. :—	£	*s.*	*d.*
Candy Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - the Cwt.	0	18	4
White Clayed Sugar or Sugar rendered by any Process equal in Quality to White Clayed, not being refined, or equal in Quality to refined - the Cwt.	0	16	0

SUGAR—

—		From and after 5th April 1857 to 5th April 1858 inclusive.		
		£	s.	d.
SUGAR—*Continued*, viz. :—				
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - -	the Cwt.	0	13	10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar	the Cwt.	0	12	8
Molasses - -	the Cwt.	0	5	0

III. That in lieu of the Duties chargeable on the following Articles imported into *Great Britain* and *Ireland* during the Period herein-after mentioned the following Duties shall be charged ; that is to say,

Alteration of Customs Duties on certain Articles herein named.

—		From and after 5th April 1857 to 5th April 1858 inclusive.		
		£	s.	d.
Cherries, dried - - -	the Pound	0	0	2
Comfits, dry - - -				
Confectionary - - -				
Ginger, preserved - -				
Marmalade - - -				
Plums preserved in Sugar -				
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated - - -				

IV. That the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, or on Removal to the *Isle of Man* for Consumption there, shall be continued until the Fifth Day of *May* next, and that from and after that Day, and until the Fifth Day of *May* One thousand eight hundred and fifty-eight,

Bounties and Drawbacks, as herein named.

eight, the following Drawbacks shall be allowed on the Exportation, or on the Removal to the *Isle of Man* for Consumption there, of the several Descriptions of refined Sugar herein-after mentioned; that is to say,

	£	*s.*	*d.*
Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, for every Cwt.	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	17	2
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1., approved by the Lords of the Treasury, and which shall not contain more than Five *per Centum* Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2., approved by the Lords of the Treasury, for every Cwt.	0	15	1
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2., for every Cwt.	0	12	8

Duties to be under Management of Commissioners of Customs.

V. The Duties imposed by this Act shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

VI. This Act shall come into operation on the Day of the passing of this Act, and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Duties Amendment Act, 1857."

Commencement of Act and Short Title.

CAP. XVI.

An Act to amend an Act of the last Session of Parliament, for repealing, and re-imposing under new Regulations, the Duty on Race Horses.—[21*st* March 1857.]

WHEREAS by an Act of the last Session of Parliament, Chapter Eighty-two, an annual Duty of Three Pounds Seventeen Shillings was imposed for every Race Horse, and it is expedient to amend the Provisions of the said Act regulating the Collection of the said Duty: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 & 20 Vict. c. 82.

I. Previously to the starting or running of a Race Horse at any Race, the Duty by the said Act imposed shall be paid by or on behalf of the Owner or Trainer or other Person having charge of the Horse, to an Officer to be appointed by the Commissioners of Inland Revenue for the Purpose of receiving the same, and to be called the Receiver of Race-horse Duty, who shall give a Receipt for the Duty in such Form and with such Particulars as herein-after mentioned; and such Payment and Receipt shall free the Owner for the Time being of the Horse named in such Receipt from any further Payment of the said Duty in respect of the said Horse for the Year ending on the Fifth Day of *April* next after such Payment; and if the Owner or Trainer or other Person having charge of any Race Horse shall neglect or omit to pay the said Duty to the said Receiver, and require and take from him such Receipt as aforesaid for the same, previously to the starting or running of such Horse at any Race in any Year ending as aforesaid, such Owner, Trainer, or other Person as aforesaid shall for every such Neglect or Omission forfeit the Sum of Fifty Pounds.

Duty imposed by said Act to be paid to the Receiver of Race-horse Duty previously to the starting of a Race Horse.

II. The Commissioners of Inland Revenue shall provide Books of printed Forms of Receipts with Counterfoils for the said Duty, and such Forms of Receipts and Counterfoils re-

Commissioners of Inland Revenue to

provide Books of printed Forms of Receipts and Counterfoils.

spectively shall be adapted for the Insertion therein of the Name or Description of the Race Horse, and the Name of the Owner of such Horse, or the Name of the Person paying the Duty, and also the Date of the actual Payment of the said Duty; and the said Commissioners shall supply a proper and sufficient Number of such Forms to the said Receiver of Race-horse Duty, from Time to Time, whenever he shall apply for the same.

Receiver of Race-horse Duty to give Receipt for Duty on printed Form, and fill up Counterfoil;

III. Whenever the said Duty for any Race Horse shall be paid to the said Receiver of Race-horse Duty, or to any Person employed or authorized by him to receive the same (and for such Person the said Receiver shall be answerable), the said Receiver shall give or cause to be given to the Person paying the said Duty a Receipt for the same upon One of such printed Forms, properly filled up with all the several Particulars for which the same shall be adapted, and signed by the said Receiver with his own Hand, and he shall also properly fill up with all the like Particulars the Counterfoil of such Receipt, and keep the same remaining in the said Book.

To be accountable for Forms of Receipts and Counterfoils supplied to him;

IV. The Receiver of Race-horse Duty shall be chargeable with and accountable in manner herein-after mentioned for every such Book of printed Forms of Receipts and Counterfoils with which he shall have been supplied, and shall, upon every Request of any Officer of Inland Revenue authorized by the said Commissioners in this Behalf, produce and show to such Officer all such Books and Forms as may from Time to Time be in the Possession of the said Receiver, and shall account with such Officer for all such Forms of Receipts and Counterfoils respectively as shall have been cut out of or separated from any such Book; and for and in respect of each and every such Form which shall have been so cut out or separated as aforesaid, and for and in respect also of each and every such Form of Receipt and Counterfoil respectively contained in any Book of such Forms delivered to such Receiver, and not produced by him to such Officer, the said Receiver shall be deemed to have received the Amount of the said Duty of Three Pounds Seventeen Shillings, and shall be charged with the same accordingly, as so much Money had and received by him for the Use of Her Majesty, Her Heirs and Successors.

To give Security, and pay over Monies to Receiver General of Inland Revenue;

V. The Receiver of Race-horse Duty shall give such Security, by Bond, with Sureties or otherwise, as the Commissioners of Inland Revenue may deem sufficient and require for duly accounting for and paying over the said Duties, and shall pay over all Monies received by him or for which he shall be chargeable under this Act to the Receiver General of Inland Revenue, or to such other Officer as the said Commissioners may direct, and under such Regulations as the said Commissioners may make in that Behalf; and upon the due Payment of all such Monies, and on the Performance by the said Receiver of Race-horse Duty, to the Satisfaction of the said Commissioners, of all Matters and Things required of him by or under the Authority of this Act, he shall have and be entitled to an Allowance at the Rate of One Shilling in the Pound on all such Monies paid over by him as aforesaid; and such Allowance shall be paid to him by the said Receiver General or other Officer by Warrant of the said Commissioners.

and to have an Allowance for due Payment and Performance of Duty.

VI. If the Receiver of Race-horse Duty shall neglect or omit to do or perform any Act, Matter, or Thing required of him by or under the Authority of this Act, or shall do or permit or suffer to be done any Act, Matter, or Thing contrary in any respect to any Injunction or Direction herein contained, he shall for every such Offence forfeit the Sum of Fifty Pounds.

Penalty on Receiver of Race-horse Duty for Neglect of Duty.

VII. Sections Four, Five, Six, Seven, Eight, Nine, Ten, and Eleven of the said Act, and so much of Section Twelve as enacts that the Person by whom or in whose Name any Race Horse shall be entered to start or run at any Race shall be deemed to be the Owner of such Race Horse, shall be and the same are hereby repealed.

Certain Sections of 19 & 20 Vict. c. 82. repealed.

CAP. XVII.

An Act for raising the Sum of Twenty-one million forty-nine thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-seven.—[21*st* March 1857.]

CAP. XVIII.

An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.—[21*st* March 1857.] (England.)

CAP. XIX.

An Act to provide for the Relief of the Poor in Extra-parochial Places.—[21*st* March 1857.] (England.)

CAP. XX.

CAP. XX.

An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament.—[21*st* March 1857.]

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED;

Passed in the FIFTH Session of the SIXTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

20° Victoriæ.

i. AN Act for enabling the *Great Western*, *Bristol and Exeter*, and *South Devon* Railway Companies to afford further Assistance towards the Completion of the *Cornwall* Railway between *Plymouth* and *Truro;* for extending the Time for the Completion thereof; and for other Purposes.

ii. An act to re-incorporate *Price's* Patent Candle Company, Limited, and for other Purposes.

iii. An Act to enable the *Whitehaven, Cleator, and Egremont* Railway Company to raise additional Capital; and for other Purposes.

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Commissioners of Supply; to amend the Commissioners of Supply (Scotland) Act, 1856, (19 & 20 Vict., c. 93) 4

Customs Duties; for granting certain Duties of Customs on Tea, Sugar, and other Articles 6

Duties; for granting certain Duties of Customs on Tea, Sugar, and other Articles 6

Duty (Race-horse); to amend the Act 19 & 20 Vict., c. 82, for repealing, and re-imposing under new Regulations, the Duty on Race-horses . . 9

Income Tax; to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices 2

Property Tax; to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices 2

Race-Horse Duty; to amend the Act 19 & 20 Vict., c. 82, for repealing and re-imposing under new Regulations, the Duty on Race-horses . . 9

Sugar; for granting certain Duties of Customs on Tea, Sugar, and other Articles 6

Supply, Commissioners of; to amend the Commissioners of Supply (Scotland) Act, 1856, (19 & 20 Vict., c. 93) 4

Tax, Income; to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices 2

Tea Duties; for granting certain Duties of Customs on Tea, Sugar, and other Articles 6

INDEX

TO

THE PUBLIC GENERAL STATUTES.

20° VICTORIÆ.

U. K. Denotes that the Act is applicable to the United Kingdom.
G. B. „ „ „ „ „ Great Britain.
E. „ „ „ „ „ England.
S. „ „ „ „ „ Scotland.
I. „ „ „ „ „ Ireland.
W. „ „ „ „ „ Wales.

Annuity ; for Settling and Securing an Annuity on the Right Hon. Charles Shaw Lefevre, in consideration of his eminent services . . 9. U. K.
Appointment of Chief Constables ; to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm the Appointments of Chief Constables in certain Cases . . . . 2. E.
Appointments under the Act 14 & 15 Vict. c. 53, for Consolidating the Copyhold and Inclosure Commissions, and for completing Proceeding under the Tithe Commutation Acts . . . . 8. E.
Appropriation ; to apply a Sum out of the Consolidated Fund to the Service of the year 1857, and to appropriate the Supplies granted in this Session of Parliament . . . . 20. U. K.
Army, Payment of, *see* Mutiny.

Board of Health ; to confirm certain Provisional Orders of the General Board of Health, applying the Public Health Act, 1848, to certain Districts, &c. 3. E.

Chief Constables ; to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases . . . . 2. E.
Commissioners of Supply ; to amend the Commissioners of Supply (Scotland) Act, 1856 (19 & 20 Vict. c. 93) . . . . 11. S.
Commons Inclosure ; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales . 5. E.
———— to continue Appointments under the Act 14 & 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions, &c. , , 8. E

Consolidated Fund; to apply a Sum out of the Consolidated Fund to the Service of the Year 1857, and to appropriate the Supplies granted in this Session of Parliament 20. U. K.
Constables; to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm the Appointments of Chief Constables in certain Cases 2. E.
Copyhold Commission; to continue Appointments under the Act 14 & 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions, &c. 8. E.
Counties, *see* Chief Constables.
Customs Duties; for granting certain Duties of Customs on Tea, Sugar, and other Articles 15. U. K.

Desertion, *see* Mutiny.
Dukinfield, to confirm certain Provisional Orders of the General Board of Health, applying the Public Health Act, 1848, to the District of 3. E.
Duties; for granting certain Duties of Customs on Tea, Sugar, and other Articles 15. U. K.
Duty; to amend the Act 19 & 20 Vict. c. 82, for repealing, and re-imposing under new Regulations, the Duty on Race Horses 16. G. B.

Ecclesiastical Jurisdiction; continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England 10. E.
Exchequer Bills; for raising £21,049,700 by Exchequer Bills, for the Service of the Year 1857 17. U. K.
Extra-Parochial Places, providing for the Relief of the Poor in 19. E.

General Board of Health, to confirm certain Provisional Orders of, applying the Public Health Act, 1848, to the Districts of Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield; and for altering the Constitution of the Local Board for the Main Sewerage District of Wisbech and Walsoken 3. E.

Health, Public, *see* General Board of Health.

Improvement of Towns, *see* Towns Improvement.
Inclosure of Lands; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales 5. E.
———— to continue Appointments under the Act 14 & 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions, &c. 8. E.
Income Tax; to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices 6. G. B. & I.
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the time limited for those Purposes respectively 7. U. K.
Ionian States, to enable the Subjects of, to hold Military and Naval Commissions under the Crown 4. U. K.
Ipswich, to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the District of 3. E.

Jurisdiction, Ecclesiastical; to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England 10. E.

Lands, *see* Inclosure of Lands.
Lefevre, Right Hon. Charles Shaw, settling and securing an Annuity on, in consideration of his eminent Services 9. U. K.
Lighting of Towns, Ireland; to amend the Act 9 Geo. 4. c. 82, to make Provision for the Lighting, Cleansing, and Watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases 12. I.
Limited Service Act; to amend the Act 10 & 11 Vict. c. 63, for limiting the Time of Service in the Royal Marine Forces 1. U. K.
Llangollen, to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the District of 3. E.
Local Boards of Health, *see* General Board of Health.

Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on shore . . . . 14. U. K.

———— to amend the Act 10 & 11 Vict. c. 63, for limiting the Time of Service in the Royal Marine Forces . . . . . . 1. U. K.

Military and Naval Commissions under the Crown, to enable the Subjects of the Ionian States to hold . . . . 4. U. K.

Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters . . . . . . 13. U. K.

——; for the Regulation of Her Majesty's Royal Marine Forces while on shore . . . . 14. U. K.

Naval and Military Commissions under the Crown, to enable the Subjects of the Ionian States to hold . . . . . . 4. U. K.

Offices and Employments, to indemnify Persons omitting to qualify themselves for . . . . 7. U. K.

Oldbury, to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the District of . . 3. E.

Paupers, Maintenance of; to continue the Act 18 & 19 Vict. c. 47, for charging the Maintenance of certain Paupers upon the Union Funds . 18. E.

Police; to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm the Appointments of Chief Constables in certain Cases 2. E.

Poor; providing for the Relief of the Poor in Extra-parochial Places 19. E.

——, to continue the Act 18 & 19 Vict. c. 47, for charging the Maintenance of certain Paupers upon the Union Funds . . . 18. E.

Property Tax; to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices . . . . . 6. G. B. & I.

Public Health Act, 1848; to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield, &c. . . . 3. E.

Race-horse Duty; to amend the Act 19 & 20 Vict. c. 82, for repealing, and reimposing under new Regulations, the Duty on Race Horses . 16. G. B.

Relief of the Poor, *see* Poor

Royal Marines; to amend the Act 10 & 11 Vict. c. 63, for limiting the Time of Service in the Royal Marine Forces . . . . . 1. U. K.

————, for the Regulation of Her Majesty's Royal Marine Forces while on shore . . . . 14. U. K.

Stroud, to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the District of . . 3. E.

Sugar; for granting certain Duties of Customs on Tea, Sugar, and other Articles . . . . 15. U. K.

Supplies; for raising £21,049,700 by Exchequer Bills, for he Service of the Year 1857 . . . . 17. U. K.

————, to apply a Sum out of the Consolidated Fund to the Service of the Year 1857, and to appropriate Supplies granted in this Session of Parliament 20. U. K.

Supply, Commissioners of: to amend the Commissioners of Supply (Scotland) Act, 1856 (19 & 20 Vict. c. 93.)

Tax, Income; to reduce the Rate of Duty on Profits arising from Property, Professions, Trades, and Offices . . . . . 6. G. B. & I.

Tea Duties; for granting certain Duties of Customs on Tea, Sugar, and other Articles . . . . 15. U. K.

Tithe Commutation Acts; to continue Appointments under the Act 14 & 15 Vict. c. 53, for completing Proceedings under the Tithe Commutation Acts . . . . 8. E.

Towns Improvement, Ireland; to amend the Act 9 Geo. 4, c. 82, to make provision for the Lighting, Cleansing, and Watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases . . . 12. I.

Union Fund Charges; to continue the Act 18 & 19 Vict. c. 47, for charging the Maintenance of certain Paupers upon the Union Funds . . 18. E.

Wisbech and Walsoken, altering the Constitution of the Local Board of Health for the Main Sewerage District of . . . . . 3. E.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTIETH AND TWENTY-FIRST YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FIRST SESSION of the SEVENTEENTH PARLIAMENT
of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS
PASSED IN THE ABOVE SESSION;

AND APPENDIX.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1857.

LICENCE.

In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize William Blackwood and Sons, Printers in Edinburgh, to Print and Publish, as by the Authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said William Blackwood and Sons.

AND. RUTHERFURD.

London, 31*st March* 1848.

CONTENTS.

Page
A Table of the Public General Statutes passed in the First Session of the Seventeenth Parliament of the United Kingdom of Great Britain and Ireland; the Statutes affecting Scotland being printed entire, ... 1
A Table of all the Local and Personal Acts, declared public, and to be judicially noticed, do. do. 177
Private Acts, printed by the Queen's Printer, and whereof the printed Copies may be given in evidence, ... 190
Private Acts, not printed, ... 191
Index to Statutes affecting Scotland, ... 192
Index to all the Public General Acts, ... 195
Appendix, ... 205

LIST OF STATUTES AFFECTING SCOTLAND

CONTAINED IN THIS VOLUME.

Cap. III. An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishment in lieu of Transportation, ... 3
Cap. V. An Act to continue the Act for extending for a limited Time the Provision for abatement of Income Tax in respect of Insurance on Lives, ... 4
Cap. XII. An Act to carry into effect a Convention between Her Majesty and the King of Denmark, ... 6
Cap. XIV. An Act to amend the Joint Stock Companies Act, 1856, . 7
Cap. XVIII. An Act to regulate Procedure in the Bill Chamber in Scotland, ... 17
Cap. XIX. An Act to remove Doubts as to the Law of Bankruptcy and Real Securities in Scotland, ... 20
Cap. XXVI. An Act to provide for the Registration of Long Leases in Scotland, and Assignations thereof, ... 24
Cap. XXVII. An Act to amend the Acts relating to the Caledonian and Crinan Canals, and to make further Provision for the Accommodation of the Traffic thereon, ... 34
Cap. XXVIII. An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland, ... 39
Cap. XXXVII. An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834, ... 43
Cap. XLII. An Act to amend "The Burial Grounds (Scotland) Act, 1855," 44

Page

CAP. XLIV. An Act to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland, ... 45

CAP. XLVI. An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes, . 47

CAP. XLIX. An Act to amend the Law relating to Banking Companies, ... 49

CAP. LVI. An Act to regulate the Distribution of Business in the Court of Session in Scotland, ... 55

CAP. LVIII. An Act to amend the Act Seventeenth and Eighteenth of Victoria, for the Valuation of Lands in Scotland, . . . 59

CAP. LIX. An Act concerning the Parochial Schoolmasters in Scotland, ... 61

CAP. LXI. An Act for granting certain Duties of Customs and Excise, 63

CAP. LXII. An Act for the Alteration and Amendment of the Laws and Duties of Customs, ... 66

CAP. LXIII. An Act to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of *Dunbar*, for the Purpose of improving the Victoria Harbour of *Dunbar*, 72

CAP. LXX. An Act to provide for the Extension of the Boundaries of Burghs in Scotland, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes, ... 77

CAP. LXXI. An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland. 81

CAP. LXXII. An Act to render more effectual the Police in Counties and Burghs in *Scotland*, ... 133

CAP. LXXIII. An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland*, ... 161

CAP. LXXVIII. An Act to amend the Act Seven and Eight *Victoria*, Chapter One hundred and eleven, for facilitating the winding-up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849," 166

CAP. LXXX. An Act to amend "The Joint Stock Companies Act, 1856," 173

CAP. LXXXII. An Act to authorize the Embodying of the Militia, . 174

APPENDIX.

Local. Cap. cxlviii. An Act to consolidate and amend the Acts for the more effectual Preservation and Increase of Salmon, and the Regulation of the Fisheries in the River *Tweed*.

THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO & VICESIMO PRIMO
VICTORIÆ REGINÆ.

CAP. I.

An Act for the Amendment of the Cinque Ports Act.—[26*th* June 1857.]

CAP. II.

An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal.—[26*th* June 1857.]

§ I. Power to Her Majesty to grant an Annuity of £8000 to Her Royal Highness the Princess Royal for Her Life.

CAP. III.

An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishment in lieu of Transportation. —[26*th* June 1857.]

16 & 17 Vict. c. 99.

WHEREAS an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Ninety-nine, to substitute in certain Cases other Punishment in lieu of Transportation; and it is expedient that such Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sections 1, 2, 3, and 4, of recited Act repealed.

I. Sections One, Two, Three, and Four of the said Act shall be repealed.

Sentence of Transportation abolished, and Sentence of Penal Servitude substituted.

II. After the Commencement of this Act, no Person shall be sentenced to Transportation; and any Person who, if this Act and the said Act had not been passed, might have been sentenced to Transportation, shall, after the Commencement of this Act, be liable to be sentenced to be kept in Penal Servitude for a Term of the same Duration as the Term of Transportation to which such Person would have been liable if the said Act and this Act had not been passed; and in every Case where, at the Discretion of the Court, One of any Two or more Terms of Transportation might have been awarded, the Court shall have the like Discretion to award One of any Two or more of the Terms of Penal Servitude which are hereby authorized to be awarded instead of such Terms of Transportation: Provided always, that any Person who might at the Discretion of the Court have been sentenced either to Transportation for any Term or to any Period of Imprisonment, shall be liable at the Discretion of the Court to be sentenced either to Penal Servitude for the same Term or to the same Period of Imprisonment; and in any Case in which before the passing of the said Act Sentence of Seven Years Transportation might have been passed, it shall be lawful for the Court in its Discretion to pass a Sentence of Penal Servitude of not less than Three Years.

Provisions of Acts concerning

III. And whereas the Provisions applicable to Persons under Sentence of Transportation extend to Persons under Sentence

Sentence of Penal Servitude conveyed to Parts beyond the Seas in those Cases only where they are conveyed to and kept in Places of Confinement appointed under the said Act or the Act of the Fifth Year of King *George* the Fourth, Chapter Eighty-four, and it is expedient to extend the said Provisions to other Cases:

transported Offenders to apply to Offenders under Sentence of Penal Servitude.

Any Person now or hereafter under Sentence or Order of Penal Servitude may, during the Term of the Sentence or Order, be conveyed to any Place or Places beyond the Seas to which Offenders under Sentence or Order of Transportation may be conveyed, or to any Place or Places beyond the Seas which may be hereafter appointed as herein mentioned; and all Acts and Provisions now applicable to and for the Removal and Transportation of Offenders under Sentence or Order of Transportation to and from any Places beyond the Seas, and concerning their Custody, Management, and Control, and the Property in their Services, and the Punishment of such Offenders if at large without lawful Cause before the Expiration of their Sentence, and all other Provisions now applicable to and in the Case of Persons under Sentence or Order of Transportation, shall apply to and in the Case of Persons under Sentence or Order of Penal Servitude, as if they were Persons under Sentence or Order of Transportation.

Existing Power to appoint Places of Transportation to be applicable for the Purposes of this Act.

IV. The Provisions and Powers of the said Act of the Fifth Year of King *George* the Fourth, authorizing the Appointment (by Her Majesty, with the Advice of Her Privy Council,) of any Place or Places beyond the Seas to which Felons and other Offenders under Sentence or Order of Transportation shall be conveyed, and all other Powers of Her Majesty, or the Lord Lieutenant or Chief Governor or Governors of *Ireland*, for the like Purpose, shall extend and be applicable to and for the Appointment of any Place or Places beyond the Seas to which Offenders under Sentence or Order of Penal Servitude may be conveyed, as herein provided.

Magistrates may recommit Convicts whose Licences are revoked to Penal Servitude in any Convict Prison.

V. And whereas by the said Act of the Sixteenth and Seventeenth Years of Her Majesty it is provided, that any Convict whose Licence is revoked shall be recommitted to the Prison or Place of Confinement from which he was released by virtue of the said Licence: Be it enacted, That from and after the passing of this Act any such Convict may be recommitted by the Magistrate issuing his Warrant in that Behalf, either to the Prison from which he was released by virtue of his Licence, or to any other Prison in which Convicts under Sentence of Penal Servitude may be lawfully confined.

All Enactments referring to

VI. Where in any Enactment now in force the Expression "any Crime punishable with Transportation," or "any Crime punishable

Transportation to have reference to Penal Servitude.

punishable by Law with Transportation," or any Expression of the like Import, is used, the Enactment shall be construed and take effect as applicable also to any Crime punishable with Penal Servitude.

Recited Act and this to be read as one.

VII. The said Act of the Sixteenth and Seventeenth Years of Her Majesty and this Act shall be read and construed together as One Act.

Commencement of Act.

VIII. This Act shall commence on the First Day of *July* One thousand eight hundred and fifty-seven.

CAP. IV.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven.—[3*d* July 1857.]

CAP. V.

An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.—[3*d* July 1857.]

WHEREAS an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Ninety-one, intituled *An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives*, and was limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-four: And whereas by certain other Acts subsequently passed, and more especially by an Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-three, the said first-mentioned Act has been amended and extended, and now stands limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-seven, and it is expedient further to continue the same, so amended, for such Period as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

16 & 17 Vict. c. 91.

19 & 20 Vict. c. 33.

I. The said first-mentioned Act, so amended as aforesaid, shall be and the same is hereby continued in force until the Sixth Day of *April* One thousand eight hundred and sixty. 16 & 17 Vict. c. 91. continued until 6th April 1860.

CAP. VI.

An Act to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in Ireland.—[3*d* July 1857.]

CAP. VII.

An Act to revive and amend certain Acts relating to the Collection of County Cess in Ireland; *and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act* 19 & 20 *Vict., Cap.* 36.—[3*d* July 1857.]

CAP. VIII.

An Act to amend the Act 17 & 18 *Vict., Cap.* 11, *with a view to the Abolition of Ministers Money in* Ireland.—[3*d* July 1857.]

CAP. IX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[13*th* July 1857.] (England.)

CAP. X.

CAP. X.

An Act to amend the Charter of Incorporation granted to the Borough of Hanley *in the County of* Stafford.—[13*th* July 1857.]

CAP. XI.

An Act to amend "The Militia (Ireland) *Act*, 1854."—[13*th* July 1857.]

CAP. XII.

An Act to carry into effect a Convention between Her Majesty and the King of Denmark.—[13*th* July 1857.]

WHEREAS a Treaty was concluded on the Fourteenth Day of *March* One thousand eight hundred and fifty-seven, between Her Majesty and other High Contracting Parties of the one Part, and the King of *Denmark* of the other Part, (and has been duly ratified,) containing Arrangements for the Abolition of Tolls levied on Vessels and their Cargoes passing the *Sound* and the Belts, and for the Reduction of the Duties on Goods passing in Transit by the various Lines of Communication which connect the *North Sea* and the *Elbe* with the *Baltic*, and for the Payment by the other Contracting Parties to the King of *Denmark*, in compensation for the Sacrifices which the Treaty imposed on him, of the total Sum of Thirty-five million Rigs Dollars, of which the proportion falling to the Charge of *Great Britain* was Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars: And whereas a Convention was also concluded on the said Fourteenth Day of *March* One thousand eight hundred and fifty-seven between Her Majesty and the King of *Denmark* (and has been duly ratified), by which Her Majesty engaged to recommend to Her Parliament to enable Her to pay to the King of *Denmark* the said Sum of Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars; and by Article II. of the said Convention it is provided, that the said Sum of Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars "shall be converted into Sterling "Money at the Rate of Nine Rigs Dollars to the Pound "Sterling, and thus amounts to the Sum of One million one "hundred and twenty-five thousand two hundred and six "Pounds Sterling: This Sum shall be paid at *London* to "such Person as may be authorized by His Majesty the King "of *Denmark* to receive the same, within Three Months after "the requisite Act shall have been passed by the Parliament "of Her *Britannic* Majesty:" And whereas, in pursuance of Her Majesty's gracious Recommendation in this Behalf, it is expedient that Her Majesty should be enabled to carry into effect the said Convention with the King of *Denmark:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Treasury to direct Payment of 1,125,206*l.* in accordance with above-recited Convention.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* the Sum of One million one hundred and twenty-five thousand two hundred and six Pounds, at the Time and in manner provided by the said Convention for such Payment, and conformably to Her Majesty's Engagement in this Behalf.

CAP. XIII.

An Act to facilitate the procuring of Sites for Workhouses in certain Cases.—[13*th* July 1857.]

CAP. XIV.

An Act to amend the Joint Stock Companies Act, 1856.—[13*th* July 1857.]

WHEREAS it is expedient that further Provision should be made for the Incorporation and Regulation of Joint Stock Companies, and that for that Purpose the Joint Stock Companies Act, 1856, should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title of Act.

I. This Act may be cited for all Purposes as "The Joint Stock Companies Act, 1857."

Definition of Principal Act and Joint Stock Companies Acts.

II. "The Joint Stock Companies Act, 1856," herein-after called "the Principal Act," and this Act, shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act, and this Act and the Principal Act may be cited together for all Purposes as "The Joint Stock Companies Acts, 1856, 1857."

Registry (Part I. of Principal Act.)

Penalty on Partnerships exceeding a certain Number.

III. The Fourth Section of the Principal Act shall be repealed, and in lieu thereof be it enacted as follows:

If after the passing of this Act more than Twenty Persons carry on, in Partnership, any Trade or Business, having for its Object the Procurement of Gain to the Partnership, then, unless such Persons are included within One or more of the Classes following, (that is to say,)

1. Are registered as a Company under the Principal Act;
2. Are a Company incorporated or otherwise legally constituted by or in pursuance of some Act of Parliament, Royal Charter, or Letters Patent; or
3. Are engaged in working Mines within and subject to the Jurisdiction of the Stannaries;

Each one of the Persons so carrying on Business in Partnership together contrary to this Provision shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Member of the Partnership.

The Registrar to give Certificate of Incorporation.

IV. The Registrar shall on Payment of Five Shillings issue a Certificate of Incorporation of any Company to any Person applying for the same, and such Certificate shall be admissible in Evidence in like Manner as the Certificate of Incorporation directed to be given by the Principal Act.

Register of Shareholders (Part I. of Principal Act.)

Power of Limited Company to convert paid-up Shares into Stock.

V. Any Limited Company may by special Resolution convert into Stock any Shares which have been fully paid up; and upon such Conversion being made all the Provisions of the Principal Act or of this Act which require or imply that the Capital of the Company is divided into Shares of any fixed Amount, and distinguished by Numbers, and all the Provisions of the Principal Act that require the Company to keep a Register of Shareholders, or to make an annual List of Shareholders

holders in the Register, shall cease as to so much of the Capital as has been so converted into Stock.

Company to give Notice of Conversion of Capital into Stock.

VI. Any Company that has converted any Portion of its Capital into Stock shall give Notice of such Conversion, specifying the Shares so converted, to the Registrar of Joint Stock Companies, within Fifteen Days from the Date of the last of the Meetings at which the Resolution was passed by which such Conversion was authorized, and the Registrar shall forthwith record the Fact of such Conversion: If such Notice is not given within the Period aforesaid, the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Register of Holders of Stock.

VII. Any Company that has converted any Portion of its Capital into Stock shall keep at the registered Office of the Company a Register of the Names and Addresses of the Persons for the Time being entitled to such Stock, and such Register shall be open to Inspection in the Manner and subject to the Penalties in and subject to which the Register of Shareholders is by the Principal Act directed to be kept open.

Remedy for improper Entry or Omission of Entry in Register of Stock.

VIII. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Stock of any Company, such Person, or any Holder of Stock in the Company, may apply to have the Register rectified in manner directed by the Twenty-fifth Section of the Principal Act.

Power of Court under 25th Section of Principal Act to decide on disputed Questions.

IX. The Court may in any Proceeding under the Twenty-fifth Section of the Principal Act decide on any Question relating to the Title of any Person who is a Party to such Proceeding, to have his Name entered in or erased from the Register, whether such Question arises between Two or more Holders or alleged Holders of Shares or Stock, or between any Holders or alleged Holders of Shares or Stock and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register.

Penalty on not forwarding Copies of Memorandum, &c. to Shareholders.

X. If any Company makes default in forwarding Copies of the Memorandum of Association and Articles of Association to Shareholders, in pursuance of Section Twenty-seven of the Principal Act, the Company so making default shall for each Offence incur a Penalty not exceeding One Pound.

Winding up by Court (Part III. of Principal Act).

Power to arrest Shareholder about to

XI. Where an Order has been made for winding up a Company under the Third Part of the Principal Act, if upon the Application of the official Liquidator it appears to the Court having Jurisdiction in the Matter of such Winding-up

abscond, or to remove or conceal any of his Property.

that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, the Court may, by Warrant directed to such Person or Persons as it thinks fit, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods and Chattels, to be seized, and him and them to be safely kept until such Time as the Court may order.

Arrested Shareholder may apply to Court for his Discharge.

XII. Any Contributory who has been arrested or whose Goods or Chattels have been seized under any such Warrant as aforesaid may, at any Time after such Arrest or Seizure, apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Monies, Securities for Money, Goods or Chattels, that may have been seized; and the Court shall take such Application into consideration, and shall make such Order thereon as it thinks just.

Calls under Third Part of Principal Act to be Specialty Debt.

XIII. All Calls that are authorized by the Third Part of the Principal Act to be made on a Contributory, in the event of the Company to which he belongs being wound up by the Court or voluntarily, shall be deemed in *England* and *Ireland* to be Specialty Debts due from such Contributory to the Company.

Official Liquidators (Part III. of Principal Act).

Proviso as to Appointment of Liquidators by Courts other than Court of Bankruptcy.

XIV. In Cases within the Jurisdiction of the Court of Chancery in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Stannaries, the Court having Jurisdiction shall, in the Appointment of an Official Liquidator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it thinks fit to hear with respect to such Appointment. It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties. It may declare that, in case of Difference, any Act may be done by a Majority of Liquidators; or it may require the Liquidators in all Cases of Difference to apply to the Court. It may do anything hereby authorized to be done, either upon the First Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but, notwithstanding anything herein contained, it shall not be obligatory on the Court to appoint more than One Liquidator, if in its

Discretion it thinks that such Appointment will be most conducive to Justice.

Provision as to Appointment of Liquidators by Court of Bankruptcy.

XV. In Cases within the Jurisdiction of any Court of Bankruptcy the Official Assignee shall, where a Liquidator is appointed by the Creditors, be considered as appointed as the Representative of the Contributories, and where a Liquidator is appointed by the Contributories be considered as appointed as the Representative of the Creditors.

Extension of Power to compromise Debts.

XVI. The Power of compromising Debts and Claims given by the Principal Act to the Liquidators therein mentioned shall be deemed to extend to the Compromise of any Calls or Debts due from any Contributory or alleged Contributory to the Company on Receipt of a smaller Sum in lieu of a greater, or upon such Terms as may be agreed upon, with Power to the Liquidators to take any Security for any Calls or Debts so due, and to give effectual Discharges on Completion of such Compromise, subject to this Proviso, that no such Compromise shall be made by any Official Liquidator except with the Sanction of the Court, and after giving such Notice to Creditors, and subject to such Conditions as to obtaining the Consent of Creditors or any Portion of them, as the Court may direct, and that no such Compromise shall be made by the Liquidators appointed on the voluntary Winding-up of a Company, except with the Sanction of a special Resolution.

Power for Liquidators to accept Shares as a Consideration for Sale of Property of Company.

XVII. Where a Company is being wound up voluntarily, and the whole or a Portion of its Property is about to be sold to another Company, registered under this Act, the Liquidators of the first-mentioned Company may, with the Sanction of a special Resolution of the Company by whom they were appointed, receive, in Compensation or part Compensation for such Sale, Shares in such other Company, for the Purpose of Distribution amongst the Shareholders of the Company being wound up, or may enter into any other Arrangement whereby the Shareholders of the Company being wound up may, in lieu of receiving Cash or Shares, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the Shareholders of the Company being wound up, subject to this Proviso, that if any Shareholder in the Company being wound up who has not voted in favour of the special Resolution passed by his Company at either of the Meetings held for passing the same expresses his Dissent from any such special Resolution, in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company, not later than Seven Days after the Date of the last of the Meetings at which such special Resolution was passed, such dissentient Shareholder may require the Liquidators to do such One of the following Things as they may prefer; That is to say, either to abstain from carrying such Resolution into effect, or to purchase the Shares held by the dissentient Shareholders or Shareholder, at such Price as may be agreed upon or settled by Arbitration, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by special Resolution.

Power of Liquidators to call General Meeting.

XVIII. In the Case of a Company being wound up voluntarily, the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by a special Resolution, or for such other Purposes as they think fit.

Power of Court to adopt Proceedings of voluntary Winding-up.

XIX. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the course of the voluntary Winding-up: It may also, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just.

Penalty on Liquidators not reporting Dissolution of Company to Registrar.

XX. If the Liquidators make default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Decree declaring the Company to be dissolved, and in the Case of a Company being wound up voluntarily, the Resolution declaring the Company to have been fairly wound up, they shall be liable to a Penalty not exceeding Five Pounds for every Day during which they are so in default, and moreover shall not, while so in default, be entitled to recover any Compensation for their Services as Liquidators.

Remedy for Liquidators having in their Hands undistributed Assets of the Company.

XXI. If at the Expiration of Twelve Months from the Date of the Dissolution of any Company that has been wound up there remain in the Hands of the Liquidators any Money, Shares, or other Property which they have been unable, by reason of the Absence or Death of any Persons entitled thereto, or for any other Reason, to distribute amongst the Parties so entitled, the Liquidators shall be deemed to be Trustees of such Monies, Shares, or other Property, within the Meaning of an Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Ninety-six, and intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, and of any Act amending the same, and may pay or transfer such Monies, Shares, or other Property into the Court of Chancery accordingly.

Alteration of Forms (Part III. of Principal Act).

Proviso as to Alterations in Table B.

XXII. No Alteration made by the Board of Trade in the Table marked B. contained in the Schedule to the Principal Act shall affect any Company registered prior to the Date of such Alteration, or repeal as respects such Company any Portion of such Table, unless such Alteration is adopted by Special Resolution.

Repeal (Part V. of Principal Act).

Repeal of Sect. 107 of the Principal Act.

XXIII. The 107th Section of the Principal Act shall be repealed, and in lieu thereof be it enacted, That,—

(1.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies;* and

(2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled *An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies;* and

(3.) The Limited Liability Act, 1855,

Shall be deemed to have been and still to remain unrepealed as to any Company completely registered which has not obtained Registration under the Principal Act, until such Time as such Company obtains Registration under the Joint Stock Companies Acts, 1856, 1857, but from and after such Time, and not before, shall be repealed as to such last-mentioned Company; and, subject as aforesaid, all the Acts mentioned in this Section shall be repealed.

Costs by Limited Companies.

Provision as to Costs in Actions brought by certain Limited Companies.

XXIV. Where a Limited Company is Plaintiff or Pursuer in any Action, Suit, or other legal Proceeding, any Judge having Jurisdiction in the Matter may, if it be proved to his Satisfaction that there is Reason to believe that if the Defendant be successful in his Defence the Assets of the Company will be insufficient to pay his Costs, require sufficient Security to be given for such Costs, and may stay all Proceedings until such Security be given.

Temporary Provisions (Part V. of Principal Act).

Provisions as to Companies completely registered under 7 & 8 Vict. c. 110.

XXV. Where any Company completely registered under the said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, has obtained Registration under the Principal Act after the Third of *November* One thousand eight hundred and fifty-six, but before the passing of this Act, such Registration shall be as effectual to all Intents as if it had taken place on or before the said Third Day of *November* One thousand eight hundred and fifty-six.

Repeal of Section 110. of Principal Act.

XXVI. The One hundred and tenth Section of the Principal Act shall be repealed.

Time within which completely registered Companies are required to register.

XXVII. Every Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, including any Company that has obtained a Certificate of Complete Registration under "The Limited Liability Act, 1855," but excluding any Company formed for the Purpose of Insurance, shall, if it has not already registered under the Principal Act, register under the Joint Stock Companies Acts, 1856, 1857, on or before the Second Day of *November* One thousand eight hundred and fifty-seven, or incur such Penalty as is herein-after mentioned.

Penalty on Company not registering.

XXVIII. If any Company hereby required to register under the Joint Stock Companies Acts, makes default in registering on or before the said Second Day of *November* One thousand eight hundred and fifty-seven, then, from and after such Day until the Day on which such Company is registered under the Joint Stock Companies Acts, 1856, 1857, the following Consequences shall ensue; (that is to say,)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity:

(2.) No Dividend shall be payable:

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, and be applied by him to his own Use:

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability other than as specified in this Section.

Power for Companies to register at their Discretion.

XXIX. Every Company consisting of Seven or more Shareholders, having a Capital of fixed Amount, divided into Shares, also of fixed Amount, duly constituted by Law prior to the passing of this Act, and not being a Company hereby required to be registered, may at any Time hereafter, upon Compliance with the Provisions of the Joint Stock Companies Acts, 1856, 1857, register itself as a Company under such Acts, with or without Limited Liability; subject to this Proviso, that no Company shall be registered as a Limited Company unless either the Liability of the Shareholders is already limited to the Amount of the unpaid Calls on their Shares, or an Assent to its being so registered has been give by Three Fourths in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company at some General Meeting summoned for that Purpose.

Power for existing Company to register Amount of Stock instead of Shares.

XXX. Where an existing Company, authorized to register under the Joint Stock Companies Acts, 1856, 1857, has had the whole or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar the Statement of Capital and Shares required by the Principal Act, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, not more than Six Days before the Day of Registration.

Provision as to List of Shareholders required by Section 111. of Principal Act.

XXXI. The List of Shareholders required by Section One hundred and eleven of the Principal Act to be delivered to the Registrar need not be made up to the Day of the Registration of the Company, but may be made up to any Day not more than Six Days before such Day of Registration.

Exemption of certain Companies from Payment of Fees.

XXXII. No Fees shall be charged in respect of the Registration under the Joint Stock Companies Acts, 1856, 1857, of any Company existing at the Date of this Act, and required or authorized to be registered by the said Joint Stock Companies Acts or either of them, in Cases where such Company is not registered as a Limited Company, or where previously to its being registered as a Limited Company, the Liability of the Shareholders was limited by some other Act of Parliament or by Letters Patent.

Grant of Certificate of Registration, and Effect thereof.

XXXIII. The Hundred and thirteenth Section of the Principal Act shall be repealed; and in lieu thereof be it enacted as follows: Upon Compliance with the Requisitions of the Joint Stock Companies Acts, 1856, 1857, respecting

Registration, the Registrar of Joint Stock Companies shall certify under his Hand that the Company applying for Registration is incorporated as a Company under the Joint Stock Companies Acts, 1856, 1857, and in the Case of a Limited Company that it is limited, and thereupon such Company shall be incorporated accordingly; and all Provisions contained in any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating any Company that has been registered under the Provisions of the said One hundred and thirteenth Section, or any Company that may hereafter be registered under this Section, shall be deemed to be Regulations of the Company, in the same Manner as if they were contained in a registered Memorandum of Association and Articles of Association; and all the Provisions of the Joint Stock Companies Acts, 1856, 1857, shall apply to such Company, in the same manner in all respects as if it had been originally incorporated under such Acts, subject to the Reservation in favour of Creditors contained in the Principal act, and to the following Provisoes:

(1.) That Table B. shall not, unless adopted by special Resolution, apply to any such Company as is mentioned in this Section:

(2.) That no Company shall have Power to alter any Provision contained in any Act of Parliament relating to the Company:

(3.) That no Company shall have Power, without the Sanction of the Board of Trade, to alter any Provision contained in any Letters Patent relating to the Company:

(4.) That nothing herein contained shall authorize any Company to alter any such Provisions contained in any Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been incorporated under the Joint Stock Companies Acts, 1856, 1857, have been contained in the Memorandum of Association, and are not authorized to be altered by such last-mentioned Acts:

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any existing Company by virtue of any such Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company: Moreover the Repeal of the said One hundred and thirteenth Section of the Principal Act shall not affect any Right acquired under the Section so repealed.

CAP. XV.

CAP. XV.

An Act to amend the Act of the Sixth and Seventh Years of King William *the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland.—[27*th* July 1857.]

CAP. XVI.

An Act to discontinue the taking of Toll on the Turnpike Roads now existing in Ireland, *and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto.*—[27*th* July 1857.]

CAP. XVII.

An Act to amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in Ireland.—[27*th* July 1857.]

CAP. XVIII.

An Act to regulate Procedure in the Bill Chamber in Scotland.—[10*th* August 1857.]

WHEREAS under an Act of the First and Second Years of the Reign of Her Majesty, intituled *An Act to make certain Alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Teinds in* Scotland, *and to reduce the Fees payable in those Courts,* Two Clerks of the Bills were appointed, who have had the Charge of the Bill Chamber 1 & 2 Vict. c. 118.

Chamber Department, and the Office of One of the said Clerks has since become vacant by Death: And whereas it has been found in Practice that the Business of the Bill Chamber cannot be conveniently conducted in Two Departments under Two separate Clerks, and it is expedient that in future the Duties of the Office should be executed by One Clerk: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Office of One of the Two Clerks of the Bills abolished, and Duties in future to be performed by One Clerk.

I. The Office of One of the Clerks of the Bills in the Bill Chamber of the Court of Session in *Scotland*, now vacant, shall be abolished; and there shall in future be only One Clerk of the Bills, who shall be responsible for the reputed Solvency of Cautioners, and for consigned Money, and shall discharge in Person all the Duties attached to the Office, and the remaining Clerk of the Bills shall be the Clerk of the Bills under this Act.

Assistant Clerk and Ordinary Clerks to be appointed.

II. It shall be lawful for Her Majesty, Her Heirs and Successors, to appoint an Assistant Clerk of the Bills, and Two Ordinary Clerks, to aid in the Performance of the Duties of the Office; and such Assistant Clerk shall act under the Orders of the Clerk of the Bills in the Performance of the Duties of the Office, and shall in the necessary Absence of the Clerk of the Bills subscribe and authenticate all such Writs and Documents as the Clerk of the Bills may, by any Law or Practice, subscribe or authenticate.

Clerks to be paid wholly by Salaries.

III. The Clerk of the Bills, and the Assistant and Ordinary Clerks, shall be paid wholly by Salary; and the Salary of the Clerk of the Bills shall be Five hundred Pounds *per Annum*, which shall include his Remuneration for the Discharge of the Duties imposed on him under the Bankrupt Acts, and also all Fees of Extracts and Bonds of Caution required by the Bill Chamber Procedure, or under such Acts, and shall be in lieu of all existing Salary, Allowances, Fees, and Emoluments whatsoever; and the Salary of the Assistant Clerk shall be Two hundred Pounds *per Annum;* and the Salaries of the ordinary Clerks shall not exceed in all Two hundred Pounds *per Annum*, divisible in such Proportions as may be deemed proper by the Commissioners of Her Majesty's Treasury.

Salaries, &c. to be voted by Parliament.

IV. The Salaries paid to the Clerk of the Bills, and the Assistant Clerk and ordinary Clerks in the Bill Chamber, and also the Expense of a suitable Office for conducting the Business of the Bill Chamber, and the necessary Expense of Printing and Stationery, and other Expenses of the Office, shall be defrayed out of the Monies to be voted by Parliament for that Purpose; and all Fees of every Description heretofore in use to be charged or collected in the Office of the Bill Chamber shall continue to be so charged and collected after this Act shall come into operation, by the Clerk of the Bills, and be by him duly accounted for and paid over to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they shall appoint.

Fees to be accounted for and paid over to the Treasury.

V. All Monies which shall in future be deposited or consigned in the Bill Chamber shall be forthwith deposited by the Clerk of the Bills in One of the Banks in *Edinburgh* established or incorporated by Act of Parliament or Royal Charter, in an Account to be kept by him in his official Capacity; and a proper written Receipt or Acknowledgment shall always be granted by the said Clerk to any Party depositing or consigning any Money in his Hands, at the Time of such Deposit or Consignation; and a full and particular State and Account shall be kept in the Office of the Bill Chamber of all such Deposits and Consignations; and the Clerk of the Bills shall cause the Monies in such Bank Account to be annually accumulated by adding the accruing Interest to the Principal Sums.

Clerk of the Bills to keep separate Accounts of consigned Monies.

VI. The Holders of Money at present consigned in Bank, or in the Hands of whatsoever Person or Persons, derived from Deposits or Consignations made in the Hands of any former Clerk or Clerks of the Bills, in his or their official Capacity, shall and they are hereby required to pay over the same, with all Interest accrued and to accrue thereon, to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they shall appoint, who are hereby empowered and directed to require an Account thereof, and to call for and receive the same, and discharge the Holders thereof: Provided always, that every person having any legal Claim to or Interest in the Monies so to be paid over shall have such and the like Claim and Interest therein, and such and the like Right to demand and to recover the same from the said Commissioners of Her Majesty's Treasury, after Payment thereof to the said Commissioners in Terms of this Act, as from the Person or Persons having Possession of such Monies at the Date of the passing of this Act.

Monies consigned with former Clerks of the Bills to be paid over to the Treasury.

VII. It shall be lawful for the Court of Session, and the said Court is hereby required, within Six Calendar Months after the passing of this Act, to make such Provision, by Act of Sederunt, as the said Court may deem necessary or expedient, for the Performance of the Business of the Office of the Clerk of the Bills in the said Court, and also to make, from Time to Time, by Act of Sederunt, such Alterations and further Provision for the same as the Court may deem fit: Provided

Court of Session may make Acts of Sederunt.

Provided always, that every such Act of Sederunt shall, within One Month after the Date thereof, be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, to the end that the same may be laid before both Houses of Parliament.

Certain Acts, &c. repealed.

VIII. The recited Acts, and all Laws, Statutes, and Usages, shall be and the same are hereby repealed, in so far as necessary to give Effect to this Act, but no further.

Commencement of Act.

IX. This Act shall commence and take effect from and after the Expiration of Two Months from the passing hereof.

CAP. XIX.

An Act to remove Doubts as to the Law of Bankruptcy and Real Securities in Scotland.—[*10th* August 1857.]

19 & 20 Vict. c. 79.

19 & 20 Vict. c. 91.

WHEREAS Doubts have arisen regarding the Construction of certain Clauses contained in an Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Bankruptcy in* Scotland, and in another Act of the same Year of Her Majesty, intituled *An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King* George *the Third, relating to Judicial Procedure and Securities for Debt in* Scotland, and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as "The Bankruptcy and Real Securities (*Scotland*) Act, 1857."

Court of Session or Sheriffs may award Sequestration of deceased Debtor.

II. Sequestration in the Case of a deceased Debtor may be awarded by the Court of Session or by the Sheriff of the County in which the Debtor for the Year preceding his Death had resided or carried on Business.

Notice of Remit by the Sheriffs to be given in the Gazette.

III. In the event of Sequestration having been awarded by the Sheriffs of Two or more Counties, and of the later Sequestration or Sequestrations being remitted by the Sheriff or Sheriffs awarding them to the Sequestration first in Date, a Notice of such Remit shall be inserted in the Gazette Four Days after a Copy of the Deliverance of such Remit could be received in course of Post in *Edinburgh*.

IV. No

Expense of Competition for Office of Trustee.

IV. No Part of the Expense of any Competition for the Office of Trustee shall be paid out of the Estate, but all such Expense shall be paid by the unsuccessful Party to the successful Party.

Oath, &c. to be produced to entitle Creditor to a Second Dividend.

V. Any Creditor, in order to be entitled to participate in a Second or any subsequent Dividend, shall produce his Oath and Grounds of Debt as directed by the first-recited Act, in reference to the First Dividend, at least Two Months before the Period fixed for Payment of such Second or subsequent Dividend.

Procedure requisite in reference to subsequent Dividends.

VI. The Procedure by the first-recited Act prescribed in reference to a Second Dividend shall be applicable in reference to subsequent Dividends, so that a Dividend may be made on the First lawful Day after the Expiration of every Three Months from the Day of the Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Abbreviate of Discharge of Bankrupt to be issued and recorded as in Sched. (A.)

VII. An Abbreviate of the Deliverance of Discharge of the Bankrupt, whether following on a Composition or not, shall be issued by the Clerk of the Bills or the Sheriff Clerk in the Form of the Schedule (A.) hereunto annexed, and the Abbreviate shall be recorded in the Register of Inhibitions, and the Register of Abbreviates of Adjudications at *Edinburgh*, and the Keepers of such Registers shall, if required, grant Certificates of such Registration in the Form annexed to the said Abbreviate.

Nothing in Sect. 7. of 19 & 20 Vict. c. 91. to exclude the Application of Provisions of 10 & 11 Vict. c. 50. and 17 & 18 Vict. c. 62. to Heritable Securities granted by the same.

VIII. Nothing contained in the Seventh Section of the last-recited Act shall be held to exclude the Application of the Provisions of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in* Scotland, *and to render the same more effectual for the Recovery of Debts*, or of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission, and Extinction of Heritable Securities in* Scotland, to the Heritable Securities authorized to be granted by the said Seventh Section, but the said Provisions shall be held to apply thereto.

Application of Sect. 10. of 19 & 20 Vict. c. 79.

IX. The Tenth Section of the first herein-before recited Act shall be taken to apply to Actions and Exceptions as well in the ordinary Court of the Sheriff as in the Court of Session.

Recited Acts, except as altered, to remain in force.

X. The Recited Acts, excepting in so far as altered by this Act, shall be and remain in full Force and Effect, and shall be construed with this Act.

SCHEDULE

SCHEDULE (A.)

1. *Form of Abbreviate of the Deliverance of Discharge of Bankrupt.*

Abbreviate of Deliverance discharging
[*Insert Name*]

A.B. [*insert the Bankrupt's Name and Designation*] has been discharged of all Debts and Obligations contracted by him, or for which he was liable at the Date of the Sequestration of his Estates; [*if upon Composition, add as follows:* "the said Sequestration declared at an end, and the said (*Name*) reinvested in his Estates on Composition of (*insert the Amount*)"], conform to Deliverance by [*Lord Ordinary or Sheriff*]. Dated the Day of One thousand eight hundred and and in Terms of "The Bankruptcy (Scotland) Act, 1856," and "The Bankruptcy and Real Securities (Scotland) Act, 1857."

C.D. (Bill Chamber Clerk
or
Sheriff Clerk of).

[*Place and Date.*]

2. *Form of Certificates of Registration of Abbreviate to be annexed to the Abbreviate.*

This Abbreviate was presented by and recorded on the Day of in the Register of Abbreviates of Adjudication at Edinburgh.

E.F. Keeper.

This Abbreviate was presented by and recorded on the Day of in the Register of Inhibitions at Edinburgh.

G.H. Keeper.

CAP. XX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England *and* Wales.—[10*th* August 1857.]

CAP. XXI.

CAP. XXI.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[10*th* August 1857.]

CAP. XXII.

An Act to apply the Public Health Act, 1848, *to the Parish of* Aldershot, *and to constitute a Local Board of Health therein.*—[10*th* August 1857.]

CAP. XXIII.

An Act to authorize the Commissioners of Public Works in Ireland *to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District.*—[10*th* August 1857.]

CAP. XXIV.

An Act to continue certain Turnpike Acts in Great Britain.—[10*th* August 1857.]

§ I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* One thousand eight hundred and fifty-eight, and to the End of the then next Session of Parliament, except as herein-after mentioned.

CAP. XXV.

An Act to continue the Powers of the Commissioners under an Act of the Seventeenth and Eighteenth Years of Her Majesty concerning the University of Oxford *and the College of* St Mary Winchester, *and further to amend the said Act.*—[10*th* August 1857.]

CAP. XXVI.

An Act to provide for the Registration of Long Leases in Scotland, *and Assignations thereof.*—[10*th* August 1857.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Long Leases, and Assignations thereof, registerable in Register of Sasines.

I. From and after the passing of this Act, it shall be lawful to record in the General Register of Sasines in *Scotland*, or in the particular Register of Sasines for the District in which the Lands and Heritages leased are situated, probative Leases, whether executed before or after the passing of this Act, for a Period of Thirty-one Years, and for any greater Number of Years that shall be stipulated, of Lands and Heritages in *Scotland* other than Lands and Heritages held by Burgage Tenure, and to record in the several Burgh Registers of Sasines probative Leases for the Period foresaid of Lands and Heritages within the Burgh for which such Register is kept, and held by Burgage Tenure, and to record respectively in the Register in which any such Lease as aforesaid shall have been registered the Assignations, and Assignations in Security of such Lease, and Translations thereof, all herein-after mentioned.

Recorded Leases effectual against singular Successors in the Lands let.

II. Leases registerable under this Act, and valid and binding as in a Question with the Granters thereof, which shall have been duly recorded, as herein provided, at or subsequent to the Date of Entry therein stipulated, shall, by virtue of such Registration, be effectual against any singular Successor in the Lands and Heritages thereby let, whose Infeftment is posterior in Date to the Date of such Registration: Provided always, that, except for the Purposes of this Act, it shall not be necessary to record any such Lease as aforesaid, but that all such Leases which would, under the existing Law prior to the passing of this Act, have been valid and effectual against any such singular Successor as aforesaid, shall, though not recorded, be valid and effectual against such singular Successor, as well as against the Granters of the said Leases.

Assignations of recorded Leases.

III. When any such Lease as aforesaid shall have been recorded as herein provided, it shall be lawful for the Party in Right of such Lease, and whose Right is recorded in Terms of this Act, but in accordance always with the Conditions and

Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, by Assignation, in the Form as nearly as may be of the Schedule (A.) to this Act annexed; and the recording of such Assignation shall fully and effectually vest the Assignee with the Right of the Granter thereof in and to such Lease to the Extent assigned: Provided always, that such Assignation shall be without Prejudice to the Right of Hypothec, or other Rights of the Landlord.

Assignations in Security.

IV. It shall be lawful for the Party in Right of any such Lease recorded as aforesaid, and whose Right thereto is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, in Security for the Payment of borrowed Money, or of Annuities, or of Provisions to Wives or Children, or in Security of Cash Credits or other legal Debt or Obligation, in the Form as near as may be of the Schedule (B.) to this Act annexed; and the recording of such Assignation in Security shall complete the Right thereunder; and such Assignation in Security so recorded shall constitute a Real Security over such Lease to the Extent assigned.

Where Party presenting for Registration not original Lessee or Assignee.

V. Where the Party in Right of any such Lease or Assignation in Security as aforesaid is not the original Lessee in such Lease, or the original Assignee in such Assignation in Security, he shall, before presenting such Lease or Assignation in Security for Registration, expede an Instrument, under the Hand of a Notary Public, in the Form as nearly as may be of the Schedule (C.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being produced to him, but not otherwise, shall thereupon record such Lease or Assignation in Security, together with the said Instrument.

Translation of Assignations in Security.

Creditor's Entry to Possession in Default of Payment.

VI. All such Assignations in Security as aforesaid shall, when recorded, be transferable, in whole or in part, by Translation, in the Form as nearly as may be of the Schedule (D.) to this Act annexed; and the recording of such Translation shall fully and effectually vest the Party in whose Favour it was granted with the Right of the Granter thereof in such Assignation in Security to the Extent assigned; and the Creditor or Party in Right of such Assignation in Security, without Prejudice to the Exercise of any Power of Sale therein contained, shall be entitled, in Default of Payment of the Capital Sum for which such Assignation in Security has been granted, or of a Term's Interest thereof, or of a Term's Annuity, for Six Months after such Capital Sum or Term's Interest or Annuity shall have fallen due, to apply to the Sheriff for a Warrant to enter on Possession of the Lands and

Heritages leased; and the Sheriff, after Intimation to the Lessee for the Time being, and to the Landlord, shall, if he see Cause, grant such Warrant, which shall be a sufficient Title for such Creditor or Party to enter into Possession of such Lands and Heritages, and to uplift the Rents from any Subtenants therein, and to sub-let the same, as freely and to the like Effect as the Lessee might have done: Provided always, that no such Creditor or Party, unless and until he enter into Possession as aforesaid, shall be personally liable to the Landlord in any of the Obligations and Prestations of the Lease.

Heir may complete Title by Writ of Acknowledgment.

VII. It shall be competent for the Heir of any Party who shall have died vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to make up his Title thereto by a Writ of Acknowledgment from the Proprietor infeft in the Lands and Heritages leased by such Lease, or from the Party appearing on the Register as in absolute Right of such Lease of or over which such Assignation in Security has been granted, respectively, in the Form as nearly as may be of the Schedule (E.) to this Act annexed; and the recording of such Writ in the Register in which such Lease or Assignation in Security is registered shall complete the Title of such Heir to such Lease or Assignation in Security aforesaid: Provided always, that no Defect in the Title of the Proprietor or Party Granter of such Writ shall affect the Right or Title of such Heir.

Heir of Disponee may complete Title by recording Notarial Instrument.

VIII. It shall be competent to the Heir who shall have been served by general or special Service, or to the General Disponee of any Party who shall have died fully vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument in the Register in which such Lease is recorded shall complete the Title of such Heir or Disponee to such Lease or Assignation in Security.

Where Assignee has died without recording Assignation, Mode of making up Title.

IX. Where any Assignation, Assignation in Security, or Translation granted in pursuance of this Act shall not have been registered as aforesaid in the Lifetime of the Grantee in such Writ respectively, it shall be competent to the Heir or General Disponee of such Grantee to make up his Title by expeding an Instrument under the Hand of a Notary Public in the Form, as nearly as may be, of the Schedule (F.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being presented to him, but not otherwise, shall thereupon record such Assignation, Assignation in Security, or Translation, together with the said Instrument.

Adjudgers to complete Right by recording Abbreviate.

X. When an Adjudication of any such Lease or Assignation in Security recorded as aforesaid shall have been obtained against the Party vested in the Right thereof respectively, or against the Heir of such Party, the recording of the Abbreviate of Adjudication in the Register in which the Lease is recorded shall complete the Right of the Adjudger to such Lease or Assignation in Security.

Trustees on sequestrated Estate may be entered on Register.

XI. It shall be lawful for the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignation in Security as aforesaid to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument in the Register in which such Lease is recorded shall complete the Right of such Trustee to such Lease or Assignation in Security.

Preferences regulated by Date of recording Transfer.

XII. All such Leases executed after the passing of this Act, and all Assignations, Assignations in Security of any such Lease recorded as aforesaid, and Translations thereof, and all Adjudications of such Leases recorded as aforesaid, or Assignations in Security, shall in Competition be preferable according to their Dates of recording.

Renunciations and Discharges to be recorded.

XIII. On the Production to the Keeper of the Register of a Renunciation of any such Lease as aforesaid recorded therein, or of a Discharge of any such Assignation in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignation in Security, which Renunciation or Discharge may be in the Form of the Schedules (G.) and (H.) respectively to this Act annexed, and may be endorsed on such Lease or Assignation in Security, he shall forthwith duly record the same.

Entry of Decree of Reduction.

XIV. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignation, Assignation in Security, Translation, Adjudication, Instrument, Discharge, or Renunciation recorded in the Register of which he is the Keeper, he shall forthwith duly record the same.

Mode of Registering.

XV. Leases, Assignations, Assignations in Security, Translations, Adjudications, Instruments, Discharges, Renunciations, and other Writs, duly presented for Registration in pursuance of this Act, shall be forthwith shortly entered in the Minute Book of the Register in common Form, and shall, with all due Despatch, be fully registered in the Register Book, and thereafter re-delivered to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation, and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register;

and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and Extracts of all such Writs registered in pursuance of this Act shall make faith in all Cases in like Manner as the Writs registered, except where the Writs so registered are offered to be improven.

Extracts to make faith as Writs registered.

Registration equivalent to Possession.

XVI. The Registration of all such Leases, Assignations, Assignations in Security, Translations, Adjudications, Writs of Acknowledgment, and Notarial Instruments as aforesaid, in manner herein provided, shall complete the Right under the same respectively, to the Effect of establishing a Preference in virtue thereof, as effectually as if the Grantee, or Party in his Right, had entered into the actual Possession of the Subjects leased under such Writs respectively at the Date of Registration thereof.

Leases, with Obligation to renew, registerable.

XVII. Leases containing an Obligation upon the Granter to renew the same from Time to Time at fixed Periods, or upon the Termination of a Life or Lives, or otherwise, shall be deemed Leases within the Meaning of this Act, and registerable as such, provided such Leases shall by the Terms of such Obligation be renewable from Time to Time so as to endure for a Period of Thirty-one Years or upwards.

No Lease executed after Date of Act to be registerable where Name of Lands and Boundaries not given.

XVIII. No Lease of Lands and Heritages other than Subjects held by Burgage Tenure executed after the passing of this Act, unless where the same shall have been executed in Terms of an Obligation to renew contained in a Lease renewable as aforesaid, and of Date prior to this Act, shall be held to fall within the same or to be registerable thereunder, unless the Name of the Lands of which the Subjects let consist or form a Part shall be set forth in such Lease; and no such Lease of such Lands and Heritages as aforesaid, except where the same consist of Mines or Minerals, shall be held to fall within this Act or to be registerable thereunder, unless the Extent of the Land let shall be set forth in such Lease, and shall not exceed Fifty Acres.

Extracts registerable where Leases recorded in Court of Session or Sheriff Court Books prior to Act.

XIX. Where any such Lease as aforesaid registerable under this Act shall, before the passing thereof, have been recorded in the Books of Council and Session, or in the Books of any Sheriff or Burgh Court, the Production to the Keeper of the Register of an Extract of such Lease shall be a sufficient Warrant for him to record the same, and he shall thereupon duly record it, and the recording thereof shall be as valid and effectual as if the original Lease had been presented to him.

Clauses in Schedules to be held to import

XX. The several Clauses in the Schedules to this Act annexed shall be held to import such and the like Meaning and to have such and the like Effect as is declared by the Act of the Tenth and Eleventh of Queen *Victoria*, Chapter Fifty, Sections Second and Third, to belong to the corresponding Clauses in the Schedule to the said recited Act annexed, and the Procedure thereby prescribed for a Sale under a Bond and Disposition in Security shall be applicable to a Sale of any such Lease as aforesaid under any such Assignation in Security as is herein-before mentioned.

and to have Effect as declared by 10 & 11 Vict. c. 50.

XXI. This Act may be cited for all Purposes as "The Registration of Leases (*Scotland*) Act, 1857."

Short Title.

SCHEDULES.

SCHEDULE (A.)

FORM OF ASSIGNATION OF LEASE.

I, *A.B.*, [*Designation*,] in consideration of the Sum of now paid to me, [*or otherwise, as the Case may be*,] assign to *C.D.* [*Designation*] a Lease, dated , and recorded in the Register of Sasines at , of Date , granted by *E.F.* [*Designation*] in my Favour [*or if not in Assigner's Favour, name and design Grantee*], of [*shortly mention Subjects*] in the Parish of and County of [and (*when the Assigner is not the Grantee in the Lease*) my Title to which is recorded in the said Register, of Date], [but (*where the Lease is assigned in part only*) in so far only as regards the following Portion of the Subjects leased ; viz. (*specify particularly the Portion*),] with Entry as at (*Term of Entry*). And [*where Sub-Lease*] I assign the Rents from [*Term*] ; and I grant Warrandice ; and I bind myself to free and relieve the said *C.D.* of all Rents and Burdens due to the Landlord or others at and prior to the Term of Entry in respect of said Lease ; and I consent to Registration for Preservation and Execution.

[*Testing Clause in common Form.*]

SCHEDULE (B.)

FORM OF BOND AND ASSIGNATION IN SECURITY.

I, *A.B.*, [*Designation*] bind myself, my Heirs and Executors, without the Necessity of discussing them in their Order, to make Payment, at the Term of [*Date and Place of Payment*], to *C.D.* [*Designation*] or his Heirs, Executors, or Assignees, of the Sum of , being Money borrowed by me from him, [*or* as a Provision to the said *C.D.*, *or* of the yearly Annuity of during his Lifetime, *as the Case may be*,] with the Interest of the said Capital Sum at the Rate of per cent. per Annum, payable by equal Portions half-yearly at Whitsunday and Martinmas, beginning the First Payment at . And, in Security of the personal Obligation before written, I assign to the said *C.D.* and his foresaids, heritably but redeemably, as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, a Lease of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease was granted by *E.F.* [*Designation*,] of Date , and recorded [*insert Register, with Date of recording*], and [*where Cedent not the original Lessee*] my Title to which is registered therein [*Date of recording*]; [but (*where only a Portion of the Subjects are assigned*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*)]. And I assign the Rents; and I assign the Writs; and I grant Warrandice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging this Security; and, on default of Payment, I grant Power of Sale; and I consent to Registration for Preservation and Execution.

[*Testing Clause.*]

SCHEDULE (C.)

FORMS OF NOTARIAL INSTRUMENTS IN FAVOUR OF A PARTY NOT THE ORIGINAL GRANTEE.

No. 1.—*Case of Lease.*

BE it known, That by Lease, dated , *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased*] in the Parish of and County of , to which Lease *E.F.* [*Designation*] has made up Title by Service as eldest Son [*or as the Case may be*] and Heir of the said *C.D.*, dated [*insert Date of Service*] before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery, [*or, as the Case may be,* as General Disponee *or* Assignee of the said *C.D.* in virtue of (*here mention the Writs* *or Decreets instructing the Right with the Dates thereof, and, if recorded, the Register, and Date of recording*)*]: Wherefore this Instrument is taken by the said *E.F.* in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the Registration of Leases (Scotland) Act, 1857.

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

Be it known, That by Bond and Assignation in Security of Date C.D. [*Designation*] assigned to *J.K.* [*Designation*], in Security of a Sum of [*or as the Case may be*], a Lease granted by *A.B.* [*Designation*] of [*shortly describe the Subjects leased*], in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*], to which Assignation in Security *E.F.* [*Designation*] has acquired Right as eldest Son [*or as the Case may be*] and Heir of the said *J.K.*, *&c.* [*as in Form No.* 1.]

SCHEDULE (D.)

Form of Translation of Assignation in Security.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me [*or as the Case may be*], assign and transfer to *C.D.* [*Designation*] a Bond and Assignation in Security for the Principal Sum of [*or as the Case may be*], granted by *E.F.* [*Designation*] in my Favour, [*or, if not in Granter's Favour, name and design the Party in whose Favour granted,*] dated and recorded [*Register and Date of recording*] of and over a Lease granted by *G.H.* [*Designation*] of [*shortly describe Subjects leased*], in the Parish of , and County of , which Lease is dated , and is recorded in the said Register of Date [and (*if the Granter is not the Assignee in said Bond*) my Title to which Bond and Assignation in Security is recorded in said Register (*Date of recording*)], [but (*where the Translation is partial*) only to the Extent of (*insert Sum*), and to the Effect of giving pari passu Preference to the said *C.D.* over the said Lease with me, my Heirs and Assigns, as regards the Remainder of the said

---

* *Note.*—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Grantee, but of one who has acquired Right to the Lease or Assignation in Security, here specify shortly the Series of Titles by which the Predecessor acquired the Right.

Principal Sum and corresponding Interest], with the Interest from [*Date*].

[*Testing Clause.*]

SCHEDULE (E.)

Forms of Writs of Acknowledgment.

No. 1.—*Acknowledgment of Heir in Lease.*

I, *A.B.*, [*Designation,*] Proprietor infeft in the Lands of *C.*, by Infeftment recorded [*Register, and Date of recording,*] acknowledge *D.E.*, [*Designation,*] as [*specify Relationship*], and Heir of the deceased *F.G.*, [*Designation,*] to be in Right of a Lease granted by *H.J.* [*Designation*] of [*shortly mention Subjects*] in the Parish of and County of , being a Portion of the said Lands of *C.*, which Lease is dated and recorded [*Register, and Date of recording*], and [*where the Deceased not the original Lessee*] the Title of the said *F.G.* being recorded in the said Register, of Date .

[*Testing Clause.*]

No. 2.—*Acknowledgment of Heir of Creditor in Assignation in Security.*

I, *A.B.*, [*Designation,*] being in Right of a Lease granted by *C.D.* [*Designation*] of [*shortly specify Subjects*] in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*] and [*where Granter not the Lessee named in the Lease*] my Title to which is recorded in said Register [*Date of recording*], acknowledge *E.F.* [*Designation*] as [*specify Relationship*], and Heir of the deceased *G.H.* [*Designation*], to be in Right of a Bond and Assignation in Security for the Sum of [*or as the Case may be*] granted by *I.K.* [*Designation*] over said Lease, which Bond and Assignation in Security is dated and recorded in the said Register on [*Date*], and [*where the Deceased not the original Creditor*] the Title of the said *G.H.* to which Bond and Assignation in Security is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHE-

SCHEDULE (F.)

FORM OF NOTARIAL INSTRUMENT IN FAVOUR OF HEIR IN RECORDED LEASE OR ASSIGNATION IN SECURITY, OR OF TRUSTEE ON SEQUESTRATED ESTATE.

No. 1.—*Case of Lease.*

BE it known, That by Lease dated A.B. [*Designation*] let to C.D. [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased,*] in the Parish of and County of , which Lease is recorded [*Register, and Date of Recording*], and to which E.F. [*Designation*] has made up Title by Service as [*specify Relationship*], and Heir of the said C.D., dated the [*insert Date of Service*], before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery [*or, as the Case may be,* as General Disponee of the said C.D., *or* as Heir (*or* General Disponee) of L.M. in an Assignation by the said C.D. of Date , *or* as Trustee confirmed on the sequestrated Estate of the said C.D., in virtue of (*here mention the Writs or Decreets, instructing the Rights, with the Dates thereof, and if recorded, the Register, and Date of recording.*)] Whereupon this Instrument is taken by the said E.F., in the Hands of G.H. [*Designation of Notary Public*], in Terms of the "Registration of Leases (Scotland) Act, 1857."

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

BE it known, That by Bond and Assignation in Security, of Date C.D. [*Designation*] assigned to I.K. [*Designation*] in Security of a Sum of [*or as the Case may be,*] a Lease granted by A.B. [*Designation*] of [*shortly describe the Subjects leased*] in the Parish of and County of , dated , and recorded [*Register, and Date of recording*], to which Bond and Assignation in Security E.F. [*Designation*] has acquired Right as [*specify Relationship*], and Heir of the said I.K., &c. [*as in Form* No. 1.]

SCHEDULE (G.)

RENUNCIATION OF LEASE.

I, A.B., [*Designation*] renounce as from the Term of in favour of C.D. [*Designation*] a Lease granted by the said *C.D.* [*or as the Case may be*] of [*shortly set forth Subjects*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording,*] and [*where the Party renouncing not the original Lessee*] my Title to which is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE H.

FORM OF DISCHARGE OF BOND AND ASSIGNATION IN SECURITY.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me by *C.D.* [*Designation,*] discharge a Bond and Assignation in Security for the Sum of , granted by the said *C.D.* in my Favour [*or as the Case may be**], and which is dated and recorded in the [*Register, and Date of recording*]; and I declare to be disburdened thereof a Lease granted by *E.F.* [*Designation*] of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording*].

[*Testing Clause.*]

CAP. XXVII.

An Act to amend the Acts relating to the Caledonian *and* Crinan *Canals, and to make further Provision for the Accommodation of the Traffic thereon.*—[10*th* August 1857.]

WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for incorporating the Commissioners of the* Caledonian *Canal, and for vesting the* Crinan *Canal in the said Commissioners:* And whereas the Number of Passengers and Cattle conveyed on the said Canals has very greatly increased, and it is necessary and expedient that additional Facilities and Accommodation should be afforded for landing and shipping

11 & 12 Vict. c. 54.

---

* *Note.*—If Granter not original Creditor, here state his Title, and Date of recording the same.

ping Passengers and Cattle, by the Erection and Improvement of Piers and Jetties, and that further Provision should be made for the Regulation of the said Canals and of the Traffic thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Canals" shall mean and include the whole Navigations of the *Caledonian* Canal and the *Crinan* Canal; and the Expression "the Commissioners" shall mean the Commissioners of the *Caledonian* Canal incorporated by the recited Act.

As to defraying the Expense of Piers and Jetties.

II. It shall be lawful for the Commissioners, out of the Rates by this Act authorized to be levied, or of any Moneys to be borrowed by them on the Security thereof, or of any other Funds at their Disposal, to defray the Expense of erecting, improving, and maintaining such Piers, Jetties, or Landing Places as they may think it expedient to erect or improve on Lands belonging to the Commissioners, or on or in connection with the Canals or either of them.

Power to Commissioners to levy Rates at Piers and Jetties.

III. From and after the passing of this Act, it shall be lawful for the Commissioners to levy and receive, at every Pier, Jetty, or Landing Place erected or to be erected or improved on Lands belonging to the Commissioners, or on or in connection with the Canals respectively, such Rates on Passengers, Animals, Goods, and Carriages landed or shipped at such Pier, Jetty, or Landing Place as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule hereunto annexed.

Power to Commissioners to enter into Agreements for Erection of Piers and Jetties.

IV. It shall be lawful for the Commissioners from Time to Time to enter into Contracts and Agreements, on such Terms and Conditions as they shall think fit, with the Owners of any Lands through which the Canals pass, with respect to any Piers, Jetties, or Landing Places erected or to be erected by such Owners at their own Expense on or in connection with the Canals, and with respect to the Management and Maintenance of such Piers, Jetties, or Landing Places, and the levying and receiving of Rates thereat, not exceeding the Rates specified in the Schedule hereunto annexed.

Power to borrow Money on Security of Tolls, &c.

V. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to borrow such Sums of Money as the

Commissioners shall think necessary, not exceeding Twenty thousand Pounds, on the Security of the Canals respectively, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to grant and execute Mortgages or Assignations of the Canals respectively, and of the said Tolls and Rates, in Security of the Payment of the Money so borrowed and the Interest thereon.

Power to Exchequer Loan Commissioners to lend Money to the Commissioners.

VI. It shall be lawful for the Commissioners for the Issue of Loans for Public Works, acting in the Execution of the Act Fifth and Sixth of *Victoria*, Chapter Nine, and of any other Acts relating to the Public Works Loan Fund, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to advance and lend to the Commissioners from Time to Time any Sums of Money not exceeding Twenty thousand Pounds, on the Security of the Canals respectively, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to accept and take from the Commissioners Mortgages or Assignations of the said Canals respectively, and of the said Tolls and Rates, in Security of the Payment of the Money so advanced and lent, and the Interest thereon: Provided, that the Moneys to be borrowed by the Commissioners under the Provisions of this Act from the said Commissioners for the Issue of Loans for Public Works, and from any other Person, Company, or Corporation, shall not in the whole exceed the Sum of Twenty thousand Pounds.

Application of Money borrowed.

VII. All Moneys borrowed by the Commissioners under the Provisions of this Act shall be applied by them in erecting or improving Piers, Jetties, or Landing Places on Land belonging to them or on or in connection with the Canals respectively, and in otherwise providing additional Accommodation for the Traffic thereon.

Application of Rates and Moneys borrowed.

VIII. All Rates levied and all Moneys borrowed under the Authority of this Act shall be applied and expended on or in connection with the Canal on which such Rates shall be levied and for which such Money shall be borrowed; and the Mortgages or Assignations to be granted by the Commissioners shall only extend to the Canal for which such Moneys shall be borrowed.

Power to Commissioners to provide or license Steam Tugs and Horses for towing.

IX. It shall be lawful for the Commissioners to provide Steam Tugs, Horses, and Machinery for towing Vessels in the Firths or Entrances and Channels leading to the Canals, and for towing or tracking Vessels on the Canals and inland Lakes, and to fix and levy Rates for and in respect of the Use of such Steam Tugs, Horses, and Machinery, or, if they shall think fit, the Commissioners may license and authorize the Owners and

Masters of Steam Tugs, and the Owners and Drivers of Horses, to tow Vessels in the said Firths and Channels, and to tow or track Vessels in the Canals and Lakes, at such Rates as may from Time to Time be fixed by the Commissioners, who shall make such Byelaws and Rules as they may deem expedient for the keeping and Use of such Steam Tugs, Horses, and Machinery, and the Regulation of the Owners, Masters, and Drivers or other Persons in charge of the same; and such Byelaws and Rules shall be published and enforced in the Manner provided by the Acts relating to the Canals.

For preserving and improving Channels leading to Caledonian Canal.

X. It shall be lawful for the Commissioners to adopt all such Measures as may be necessary for preserving free from Obstruction the Channels leading to the *Caledonian* Canal within Three Miles from the several Entrances thereof, and from Time to Time to improve and deepen the said Channels by dredging or otherwise as they shall deem expedient.

Ballast not to be thrown into Channels leading to Caledonian Canal.

XI. Every Person who shall throw or put any Ballast, Earth, Ashes, Stones, or Rubbish into any of the Channels leading to the *Caledonian* Canal within Three Miles of the several Entrances thereof shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power to place Beacons and Buoys on the Caledonian Canal and Channels leading thereto.

XII. It shall be lawful for the Commissioners to erect Beacons and Seamarks and lay down Buoys for the Guidance of Vessels in or near to the Channels leading to the *Caledonian* Canal, within Three Miles of the Entrances thereof, and in or near to the inland Lakes forming Part of the Navigation of the said Canal: Provided, that no such Beacon or Seamark shall be erected in or near to the said Channels without the Sanction in Writing of the Commissioners of Northern Lights first had and obtained; and if any such Beacon or Seamark be erected with such Sanction as aforesaid, the same shall not be afterwards altered without the like Sanction; and every such Beacon or Seamark shall be from Time to Time discontinued or altered, as the said Commissioners of Northern Lights shall direct.

Penalty for injuring or removing Beacons or Buoys.

XIII. Every Person who shall injure, displace, or remove any such Beacon, Seamark, or Buoy shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

For Recovery of Rates and Penalties.

XIV. The Rates and Penalties by this Act authorized to be levied and imposed shall be levied and recovered in the same Manner as Rates and Penalties leviable under the Acts relating to the Canals respectively; and all the Enactments and Provisions contained in the said Acts with respect to the levying and Recovery of the Tolls, Rates, and Dues thereby authorized to be levied, and the Penalties thereby imposed, shall be applicable to the Rates and Penalties by this Act authorized to be levied and imposed, in the same Manner and as fully and effectually as if such Enactments and Provisions had been herein repeated and re-enacted.

Saving Rights of Inverness Harbour Trustees.

XV. Nothing in this Act contained shall alter, prejudice, or affect Sections Fifty-four and Fifty-five of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for deepening, enlarging, improving, and maintaining the Port and Harbour of* Inverness, *and the Navigation of the River* Ness, *and the Quays and Piers and other Works connected therewith, for regulating the Anchorage and Shore Dues of the said Port and Harbour, and for other Purposes relating thereto*, or any of the Powers, Rights, and Authorities conferred by the said Act on the Trustees acting under the same.

SCHEDULE referred to in this Act.

Rates to be levied at Piers, Jetties, or Landing Places.

	£	s.	d.
Each Passenger, ...	0	0	2
Sheep, Lambs, Goats, or Swine, per Score, 6d., or if under 10, each, ...	0	0	0½
Each Bull, Cow, Bullock, or Heifer, .	0	0	6
Ditto, under Two Years old, . .	0	0	3
Each Calf, ...	0	0	1
Each Horse, ...	0	1	0
Each Horse under 13 Hands, and each Mule or Ass,	0	0	6
Each Cart, empty, ...	0	0	6
Each Cart, loaded, ...	0	1	0
Each Gig or Two-wheeled Carriage, .	0	0	6
Each Four-wheeled Coach or Carriage, .	0	1	0
Each Parcel or Package carried by a Porter,	0	0	1
Each Wheelbarrow with Luggage, . .	0	0	2
Each Two-wheeled Barrow or Truck with Luggage,	0	0	4
Bark, per Ton, ...	0	1	0
Birch or Alder Staves, per 1,000, . .	0	0	2
Coals, per Ton, ...	0	0	2
Grain, Meal, or Flour, per Bag or Barrel, .	0	0	1
Guano, Bones, and other Manures, per Ton,	0	0	6
Lime, per Boll, ...	0	0	0¼
Potatoes, per Cwt., . . .	0	0	1
Salt, per Ton, ...	0	0	2
Slates, Bricks, and Tiles, per 100, One Halfpenny, or per 1,000, ...	0	0	3

Spars,

	£	s.	d.
Spars, Rails, Pit Props, &c., per 500 running Feet,	0	0	2
Stones and Iron, per Ton, . . .	0	0	1
Sugar, Herrings, Tar, or Butter, per Barrel,	0	0	2
Timber, Planks, or Deals, per Load of 50 Feet,	0	0	1
Wool, per Bag, ...	0	0	2
Goods not otherwise enumerated, per Bag, Barrel, or Box, ...	0	0	2

CAP. XXVIII.

An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland.—[10*th* August 1857.]

WHEREAS Duties on Inhabited Houses were granted by the Act passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty *Victoria*, Chapter Thirty-six, and Duties of Assessed Taxes were granted by the Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of Her said Majesty *Victoria*, Chapter Ninety, and other Acts; and it is provided by the said Acts that all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the Acts respectively then in force in relation to the Duties of Assessed Taxes should, in so far as not superseded by and consistent with the said Acts, be applicable and put in execution in reference to the said Duties: And whereas it is provided by the Act passed in the Session of Parliament held in the Forty-third Year of His late Majesty *George* the Third, Chapter One hundred and sixty-one, Section Twenty-four, that every Assessment in *Scotland* of the said Duties shall be paid by half-yearly Instalments on or before the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year; and it is further provided by the said Section of the said Act, that every Person charged to the said Duties shall, in case of his or her not paying the same upon the Day upon which he or she is thereby appointed to pay the same, or within Three Days thereafter, forfeit treble the Value and Extent of the Duties with which he or she stands charged, to be recovered as the said Duties may be recovered: And whereas by the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty *William* the Fourth, Chapter Sixty-four, Section

43 G. 3. c. 161. s. 24. 5 & 6 W. 4. c. 64. s. 13.

5 & 6 W. 4. c. 64. s. 13.

Section Thirteen, it is provided that the Land Tax in *Scotland* shall be recovered, levied, collected, and paid under the same Rules, Regulations, Provisions, and Penalties as the Assessed Taxes in *Scotland* now are or may hereafter be recovered, levied, collected, and paid: And whereas increased Rates of Duty were granted on Profits arising from Property, Professions, Trades, and Offices by the Acts passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty *Victoria*, Chapter Twenty-four, and in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her said Majesty *Victoria*, Chapter Twenty; and it is provided by the said Acts that all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the several Acts in force with respect to the Duties granted by the Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty *Victoria*, Chapter Thirty-four, should (so far as the same were or might be applicable consistently with the express Provisions of the said Acts) be applied and put in execution in reference to the said increased Rates of Duty: And whereas the Rates of Duty in respect of all Property, Profits, and Gains under and by virtue of the Acts now in force relating to the Income Tax for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven were reduced by the Act passed in the Twentieth Year of the Reign of Her present Majesty *Victoria*, Chapter Six: And whereas by the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her said Majesty *Victoria*, Chapter Thirty-five, Section One hundred and seventy-six, it is provided, that in *Scotland* every Assessment of the said Duties shall be payable by Two half-yearly Instalments, *videlicet*, on or before the Twentieth Day of *September* for the first half-yearly Instalment, and on or before the Twentieth Day of *March* for the last half-yearly Instalment: And whereas in *Scotland* it has not been found convenient to collect the said Duties and Land Tax by Two half-yearly Instalments, nor has it been the Practice to recover the said Treble Duties: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 35. s. 176.

Recited Provisions repealed of 43 G. 3. c. 161. and

I. That the said recited Provisions of the Acts passed in the Session of Parliament held in the Forty-third Year of His late Majesty *George* the Third, Chapter One hundred and sixty-one, Section Twenty-four, and in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her said Majesty *Victoria*, Chapter Thirty-five, Section One hundred and seventy-six, be repealed, and also all other Provisions in the said Acts, and in any other Acts, in so far as inconsistent with the Provisions herein-after made.

5 & 6 Vict. c. 35.

II. And it is hereby provided, That in *Scotland* the Duties on Inhabited Houses and the Duties of Assessed Taxes assessed for the Year from Twenty-fourth Day of *May* One thousand eight hundred and fifty-seven, and ending on the Twenty-fourth Day of *May* One thousand eight hundred and fifty-eight, and the Land Tax for the same Year, and the Duties on Profits arising from Property, Professions, Trades, and Offices assessed for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven, shall be payable on or before the First Day of *January* in the Year One thousand eight hundred and fifty-eight, and the said Duties and Land Tax in every Assessment for every subsequent Year shall be payable on or before the First Day of *January* in every Year.

In Scotland the Inhabited House Duty, Assessed Taxes, Land Tax, and Property and Income Tax payable every Year on or before 1st January.

CAP. XXIX.

An Act to render valid certain Marriages in Christ Church, West Hartlepool, *in the Parish of* Stranton *in the County of* Durham.—[10*th* August 1857.]

CAP. XXX.

An Act for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham *in the County of* Kent, *and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.*—[10*th* August 1857.]

CAP. XXXI.

An Act to amend and explain the Inclosure Acts.—[10*th* August 1857.] (England & Wales.)

CAP. XXXII.

An Act for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, *and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.*—[10*th* August 1857.]

CAP. XXXIII.

An Act to regulate certain Proceedings in relation to the Election of Representative Peers for Ireland.—[10*th* August 1857.]

CAP. XXXIV.

An Act to explain an Act for the Settlement of the Boundaries between the Provinces of Canada *and* New Brunswick.—[10*th* August 1857.]

CAP. XXXV.

An Act to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen Victoria, *intituled* An Act to amend the Laws concerning the Burial of the Dead in the Metropolis, *so far as relates to the City of* London *and the Liberties thereof.*—[10*th* August 1857.]

CAP. XXXVI.

An Act to supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts.—[17*th* August 1857.] (England.)

CAP. XXXVII.

An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834.—[17*th* August 1857.]

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of His late Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service:* And whereas it is inexpedient to enforce the Provisions of the said Act so far as relates to the Abatement to be made under the Twenty-seventh Section of the said recited Act from the Salaries of those Civil Servants of the Crown who have taken Office since the Fourth Day of *August* One thousand eight hundred and twenty-nine: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 4 & 5 W. 4. c. 24.

I. The said Twenty-seventh Section of the said recited Act shall be and the same is hereby repealed from and after the Thirtieth Day of *June* One thousand eight hundred and fifty-seven. Sect. 27. of recited Act repealed.

CAP. XXXVIII.

An Act to continue the General Board of Health.—[17*th* August 1857.] (England.)

CAP. XXXIX.

CAP. XXXIX.

An Act to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, *in certain Cases.*—[17*th* August 1857.]

CAP. XL.

An Act to continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland; *and to constitute the Constabulary Force Officers of Customs for certain Purposes.*—[17*th* August 1857.]

CAP. XLI.

An Act to revive and continue an Act to amend the Laws relating to Loan Societies.—[17*th* August 1857.] (England.)

CAP. XLII.

An Act to amend "The Burial Grounds (Scotland) *Act,* 1855."—[17*th* August 1857.]

WHEREAS it is expedient to amend the Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-eight, intituled *An Act to amend the Laws concerning the Burial of the Dead in* Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

18 & 19 Vict. c. 68.

sent Parliament assembled, and by the Authority of the same, as follows:

Section 28 of recited Act repealed.

I. The Twenty-eighth Section of the said Act is hereby repealed.

Commissioners of Public Works may make Loans to Parochial Boards for the Purposes of Burial Ground (Scotland) Acts.

II. The Commissioners for carrying into execution an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to "authorize for a further Period the Advance of Money out of "the Consolidated Fund, to a limited Amount, for carrying "on Public Works and Fisheries and Employment of the "Poor," and the several Acts therein recited, mentioned, or referred to, and the Act or Acts subsequently passed for amending, continuing, or extending the same, may from Time to Time make to the Parochial Board of any Parish for the Purposes of the said Burial Ground (*Scotland*) Act, 1855, any Loan under the Provisions of the recited Act, or the several Acts therein recited or referred to, or subsequently passed for amending, continuing, or extending the same, upon Security of the Assessments authorized by the said Burial Grounds (*Scotland*) Act, 1855.

CAP. XLIII.

An Act to improve the Administration of the Law so far as respects Summary Proceedings before Justices of the Peace.—[17*th* August 1857.]

§ XV. This Act shall not extend to *Scotland*.

CAP. XLIV.

An Act to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland.—[17*th* August 1857.]

WHEREAS Doubts are entertained as to the proper Instance to be employed in the Institution of Actions, Suits, and Proceedings in the Courts of Justice in *Scotland* on the Behalf of Her Majesty and of Public Departments: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Crown Suits, &c. may be brought in Name of the Lord Advocate;

I. Every Action, Suit, or Proceeding to be instituted in *Scotland* on the Behalf of or against Her Majesty, Her Heirs and Successors, or in the Interest of the Crown, or on the Behalf of or against any Public Department, may be lawfully raised in the Name and at the Instance of or directed against Her Majesty's Advocate for the Time being as acting under this Act.

with the Sanction of the Department having the Interest.

II. Provided always, That before instituting or defending any such Action, Suit, or Proceeding Her Majesty's Advocate shall have the Authority of Her Majesty or of the Public Department respectively on whose Behalf or against whom such Action, Suit, or Proceeding shall be instituted, to the Institution or Defence thereof.

Persons prosecuted not entitled to object to the Instance.

III. Provided also, That it shall not be competent to any private Party in any Action, Suit, or Proceeding instituted as aforesaid to challenge or impugn the Instance of or the Title to defend such Action, Suit, or Proceeding, or the Right or Title of Her Majesty's Advocate to raise and prosecute or to defend the same, upon any Allegation that such Authority (as aforesaid) has not been granted, or that Evidence of such Authority is not produced.

Meaning of "Public Department."

IV. The Expression "Public Department" shall include the Commissioners of Her Majesty's Treasury, the War Department, the Post Office, the Board of Inland Revenue, the Board of Customs, the Commissioners of Her Majesty's Woods and Forests, the Commissioners of Works and Public Buildings, the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, and all the like Public Departments, Bodies, or Boards, and all and every Officer and Officers, Person and Persons acting on the Behalf or in the Interest of or entitled at the Date of the passing of this Act to sue on the Behalf or in the Interest of any such Public Department.

Existing Actions, &c. not to be affected.

V. Nothing in this Act contained shall affect the Instance or Defence of any Action, Suit, or Proceeding instituted or that may be instituted in conformity with the Law as existing at the Date of the passing of this Act; and no Action, Suit, or Proceeding raised or to be raised at the Instance of or against Her Majesty's Advocate for the Time being shall abate or be affected by any Change in the Person holding the Office of Her Majesty's Advocate.

Laws, &c. repealed so as to give Effect to this Act.

VI. All Laws, Statutes, and Usages are hereby repealed, so far as necessary to give Effect to this Statute, but no further or otherwise.

CAP. XLV.

CAP. XLV.

An Act to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland *for public Purposes.*—[17*th* August 1857.]

CAP. XLVI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.—[17*th* August 1857.]

WHEREAS an Act was passed in the Seventh and
Eighth Years of the Reign of His Majesty King 7 & 8 G.
George the Fourth, Chapter Seventy-five: And whereas 4. c. 75.
another Act was passed in the Ninth Year of the Reign of 9 G. 4. c.
His said Majesty, Chapter Thirty-eight: And whereas another 38.
Act was passed in the Second and Third Years of His Majesty 2 & 3 W.
King William the Fourth, Chapter One hundred and twenty- 4. c. 127.
seven: And whereas another Act was passed in the Third
and Fourth Years of the Reign of His said Majesty, Chapter 3 & 4 W.
Ninety-five: And whereas another Act was passed in the 4. c. 95.
Sixth and Seventh Years of His said Majesty, Chapter Eighty: 6 & 7 W.
And whereas another Act was passed in the First and Second 4. c. 80.
Years of the Reign of Her present Majesty, Chapter Fifty- 1 & 2
seven: And whereas another Act was passed in the Seventh Vict. c. 57.
and Eighth Years of Her present Majesty, Chapter Seventy- 7 & 8
nine: And whereas another Act was passed in the Eleventh Vict. c. 79.
and Twelfth Years of Her present Majesty, Chapter Sixty- 11 & 12
two: And whereas another Act was passed in the Sixteeenth Vict. c. 62.
and Seventeenth Years of Her present Majesty, Chapter One 16 & 17
hundred and eleven: And whereas it is expedient to appoint Vict. c.
additional Persons to put in execution the several Acts for 111
granting an Aid to Her Majesty by a Land Tax in Great
Britain, and several other Acts for continuing or granting to
Her Majesty Rates and Taxes: Be it therefore enacted by the
Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons,
in the present Parliament assembled, and by the Authority of
the same, as follows:

Appointment of additional Commissioners.

I. The several and respective Persons herein-after named shall and may, and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, Stewartries, and Places of Great Britain herein-after severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth; (that is to say,)

(Here follows a List of Commissioners for certain Counties, Cities, and other Districts in England and Wales.)

For the Shire of Sutherland.

Samuel Bateson *Cambusmore*, John Bradfute Dudgeon *Crackaig*, Andrew Hall *Blarich*, Charles Samuel Weston *Golspie*, Hector Gunn *Achumore*, Alexander M‘Donald Cornfute *Balnakil*, George Lawson *Distiller* Clynelesh, Donald Gray *Writer and Bank Agent* Golspie.

CAP. XLVII.

An Act to enable Ecclesiastical Persons in Ireland *to grant Building Leases of Glebe Lands in certain Cases.*—[17*th* August 1857.]

CAP. XLVIII.

An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.—[17*th* August 1857.]

§ XXV. This Act shall not extend to *Ireland* or *Scotland.*

CAP. XLIX.

An Act to amend the Law relating to Banking Companies.—[17*th* August 1857.]

WHEREAS it is expedient to amend the Law relating to Copartnerships and Companies carrying on the Business of Banking, and herein-after included under the Term Banking Companies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited for all Purposes as "The Joint Stock Banking Companies Act, 1857."

Joint Stock Companies Acts to be incorporated with this Act.

II. The Joint Stock Companies Acts, 1856, 1857, shall be deemed to be incorporated with and to form Part of this Act.

Registration of existing Banking Companies.

Sect 2. of 19 & 20 Vict. c. 47. repealed.

III. The Second Section of the Joint Stock Companies Act, 1856, shall be repealed so far as relates to Persons associated together for the Purpose of Banking, subject to this Proviso, that no existing or future Banking Company shall be registered as a Limited Company.

Banking Companies required to register under this Act.

IV. Every Banking Company consisting of Seven or more Persons, and formed under the Acts following, or either of them, that is to say,

(1.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and intituled *An Act to regulate Joint Stock Banks in* England,

(2.) An Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five, and intituled *An Act to regulate Joint Stock Banks in* Scotland *and* Ireland,

shall, on or before the First Day of *January* One thousand eight hundred and fifty-eight, register itself as a Company under this Act.

Penalty on Neglect to register.

V. If any Banking Company hereby required to register under this Act makes default in registering on or before the said First Day of *January* One thousand eight hundred and fifty-eight, fifty-eight, then, from and after such Day, until the Day on which such Company is registered under this Act, the following Consequences shall ensue; (that is to say,)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity.

(2.) No Dividend shall be payable to any Shareholder in such Company.

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use:

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section.

Banking Companies permitted to register under this Act.

VI. Any Banking Company, consisting of Seven or more Persons, having a Capital of fixed Amount and divided into Shares also of fixed Amount, legally carrying on the Business of Banking previously to the passing of this Act, and not being a Company hereby required to be registered, may at any Time hereafter, with the Assent of a Majority of such of its Shareholders as may have been present in Person, or in Cases where Proxies are allowed by the Regulations of the Company, by Proxy, at some General Meeting summoned for the Purpose, register itself as a Company other than a Limited Company under this Act, and when so registered all such Provisions contained in any Act of Parliament, Letters Patent, or Deed of Settlement constituting or regulating the Company as are inconsistent with the Joint Stock Companies Acts, 1856, 1857, or with this Act, shall no longer apply to the Company so registered; but such Registration shall not take away or affect any Powers previously enjoyed by such Company of Banking, issuing Notes payable on Demand, or of doing any other thing.

Existing Companies not to pay Fees.

VII. No Fees shall be payable in respect of the Registration under this Act of any Banking Company existing at the Time of the passing of this Act.

Registration under this Act not to affect Obligations incurred previously to Registration.

VIII. The Registration under this Act of any Banking Company existing at the Time of the passing of this Act, and hereby required or authorized to be registered, shall not affect or prejudice the Liability of such Company to have enforced against it or its Right to enforce any Debt or Obligation incurred, or any Contract entered into by, to, with, or on account of such Company, previously to such Registration, and all such

Debts, Obligations, and Contracts shall be binding on the Company when so registered, and the other Parties thereto, to the same Extent as if such Registration had not taken place.

Saving of Liabilities of Persons holding Shares before Registration under Act.

IX. Every Person who at or previously to the Date of the Registration under this Act of any Banking Company hereby required or authorized to be registered may have held Shares in such Company shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the Assets of the Company the same Amount that he would if this Act had not been passed have been liable to pay to the Company, or for or on account of any Debt of the Company in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

Continuation of existing Actions and Suits.

X. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration under this Act of any Company hereby required or authorized to be registered have been commenced by or against such Company or the Public Officer thereof may be continued in the same Manner as if such Registration had not taken place; nevertheless Execution shall not issue against the Effects of any individual Shareholder in or Member of such Company upon any Judgment, Decree, or Order obtained against such Company in any Action, Suit, or Proceeding so commenced as aforesaid; but, in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner directed by the Joint Stock Companies Acts, 1856, 1857.

Winding up of the Banking Companies.

Certain Acts not to apply to Companies registered under this Act or Acts incorporated herewith.

XI. The following Acts, that is to say,

(1.) The Act of the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five,

(2.) The Act of the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight,

(3.) The Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven,

(4.) The Act of the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight,

shall not apply to Companies registered under this Act or under the Acts incorporated herewith or either of them; and all Companies so registered shall be wound up in manner directed by the said incorporated Acts.

Repeal.

7 & 8 Vict. c. 113. and 9 & 10 Vict. c. 75. repealed.

XII. The above-mentioned Acts, that is to say,

The said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and

The said Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five,

shall forthwith be repealed as respects any Banking Company to be formed hereafter, and shall, from and after such Time as any Company formed in pursuance of such Acts or either of them may have registered as a Company under this Act, but not before, be repealed as respects the Company so registered; and the Articles of Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, relating to "Shares," to "Transmission of Shares," and to "Forfeiture of Shares," and numbered from One to Nineteen, both inclusive, shall, from and after such Time as last aforesaid, but subject to the Power of Alteration conferred by the Joint Stock Companies Acts, 1856, 1857, be deemed to be Regulations of any Company formed in pursuance of the said Acts passed in the Eighth and Tenth Years of Her present Majesty; nevertheless such Repeal shall not affect any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any Acts hereby repealed committed before such Repeal comes into operation; and notwithstanding anything contained in the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, or in any other Act, it shall be lawful for any Number of Persons, not exceeding Ten, to carry on in Partnership the Business of Banking in the same Manner and upon the same Conditions in all respects as any Company, if not more than Six Persons, could before the passing of this Act have carried on such Business.

Formation of new Banking Companies.

New Banking Companies

XIII. Seven or more Persons associated for the Purpose of Banking may register themselves under this Act as a Company other than a Limited Company, subject to this Condition, that the Shares into which the Capital of the Company is divided shall not be of less Amount than One hundred Pounds each; but not more than Ten Persons shall after the passing of this Act, unless registered as a Company under this Act, form themselves into a Partnership for the Purpose of Banking, or if so formed carry on the Business of Banking.

Examination of Affairs in Company.

XIV. No Appointment of Inspectors to examine into the Affairs of any Banking Company shall be made by the Board of Trade, in pursuance of the Joint Stock Companies Act, 1856, except upon the Application of One Third at the least in Number and Value of the Shareholders in such Company.

One Third in Number and Value of Shareholders to apply for Inspectors.

Nineteenth Section of Joint Stock Companies Act not to apply.

XV. The Nineteenth Section of the Joint Stock Companies Act, 1856, shall not apply to any Banking Company in *Scotland* registered under this Act.

Sect. 19. of 19 & 20 Vict. c. 47. not applicable to Companies in Scotland.

Transfer of Trust Property.

XVI. All such Estate or Interest in Real and Personal Property in *England* and *Ireland*, and in Property, Heritable and Moveable, in *Scotland*, and all such Deeds, Bonds, Obligations, and Rights as may belong to or be vested in any Person or Persons in Trust for any Banking Company at the Date of its Registration under this Act, or in trust for any other Company at the Date of its Registration under the Joint Stock Companies Acts, 1856, 1857, shall immediately on Registration vest in such Banking or other Company; but no Merger shall take place of any Estates by reason of their uniting in the Company under this Section, without the express Consent of the Company, certified by some Instrument under their Common Seal.

Transfer of Trust Property to Company.

Banking Companies not registered as such.

XVII. If, through Inadvertence or otherwise, a Company that is in fact a Banking Company has, previously to the passing of this Act, been registered as a Limited Company under the Joint Stock Companies Act, 1856, or if, through Inadvertence or otherwise, a Company that is in fact a Banking Company is hereafter registered under the said Joint Stock Companies Acts, 1856, 1857, as a Limited Company, any Company so registered shall not be illegal, nor shall the Registration thereof be invalid, but it shall be subject to the following Liabilities; that is to say,

Liability of Banking Company that is not registered as such.

(1.) Any Creditor or Member of the Company may petition the Court to have it wound up, and the fact of its being registered as a Limited Company shall of itself be a sufficient Circumstance on which an Order shall be made for winding up the same:

(2.) In the event of such Company being wound up the Contributories shall, whether the Company is or not registered as a Limited Company, be liable to contribute to the Assets of the Company to an Amount sufficient to pay its Debts, and the Costs, Charges, and Expenses of winding up the same.

Saving Clauses.

Exemption of certain existing Banking Companies from Joint Stock Companies Acts.

XVIII. The Joint Stock Companies Acts, 1856, 1857, shall not apply to any Banking Company legally carrying on the Business of Banking previously to the passing of this Act, and not hereby required to be registered, until such Time as such Company registers itself under this Act, in pursuance of the Power hereby given in that Behalf.

Not to affect Provisions of 7 & 8 Vict. c. 32. and 8 & 9 Vict. c. 38.

XIX. Nothing herein contained shall affect an Act passed in the Eighth Year of the Reign of Her present Majesty, and intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period*, or an Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Thirty-eight, intituled *An Act to regulate the Issue of Bank Notes in* Scotland, or any other Act relating to the Issue or Circulation of Bank Notes.

CAP. L.

An Act to amend the Acts concerning Municipal Corporations in England.—[17*th* August 1857.]

CAP. LI.

An Act to guarantee a Loan for the Service of New Zealand.—[17*th* August 1857.]

CAP. LII.

An Act for discharging Claims of the New Zealand *Company on the Proceeds of Sales of Waste Lands in* New Zealand.—[17*th* August 1857.]

CAP. LIII.

An Act to amend the Act for granting a Representative Constitution to the Colony of New Zealand.—[17*th* August 1857.]

CAP. LIV.

An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property. — [17*th* August 1857.]

§ XVIII. This Act shall not extend to *Scotland.*

CAP. LV.

An Act to promote the Establishment and Extension of Reformatory Schools in England.—[25*th* August 1857.]

CAP. LVI.

An Act to regulate the Distribution of Business in the Court of Session in Scotland.—[25*th* August 1857.]

WHEREAS it is expedient that Provision should be made for the more convenient Distribution of the Business of the Court of Session, and for diminishing Arrears in that Court: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Lord President to take Measures

I. It shall be lawful for the Lord President of the Court of Session, from Time to Time, as it shall appear to him to be necessary or expedient, with a view to promote the due Despatch for promoting Despatch of Business.

Despatch of the Business of the Court, to transfer Causes from the one Division of the Court to the other, and from any one Lord Ordinary to any other Lord Ordinary, to such Extent as he shall judge to be necessary or expedient, for the Purpose of promoting Despatch and preventing Delay; and to enable the said Lord President to exercise such Power, it shall be lawful for him to require the Keepers of the Rolls of the respective Divisions, the Principal and Depute Clerks of Session, and the Clerks of the several Lords Ordinaries, or any of them, to transmit to him, from Time to Time as he shall direct, Lists of the whole Causes depending before such Divisions respectively and the several Lords Ordinaries, and also to attend upon him from Time to Time, and give such Information in regard to such Lists, and the State of the Business generally, as he may require.

Lord President may order Lists to be prepared of Causes transferred.

II. When the said Lord President shall at any Time judge it necessary to transfer Causes from the one Division to the other, or from any one Lord Ordinary to any other Lord Ordinary, under the Power hereby given, he shall require to be prepared a List or Lists of the Causes so transferred; and every such List shall have a Title specifying the Division from which, or the Lord Ordinary from whom, and also the Division to which, and the Lord Ordinary to whom, the Transference is made, and bearing that such Transference is made by the Lord President under the Authority of this Act; and every such List shall be dated and subscribed at the End thereof by the said Lord President, and shall be effectual to operate a Transference of the Causes therein contained in Terms of the Title thereof, and the Causes shall thereafter be held to depend before the Division to which or the Lord Ordinary to whom the Transference is made in the same Manner and to the same Effect in all respects as if such Causes had originally depended before such Division or Lord Ordinary; and it shall be sufficient that the Causes shall be entered in the said Lists in the same Manner in which Causes are in use to be entered in the Long Rolls of the Divisions or the Debate Rolls of the Lords Ordinaries: Provided always, that all Causes so transferred shall be taken from the Causes last enrolled in the Order of their Enrolment, unless, from Connexion with any depending Action or other similar Reason, it may appear proper not to transfer any particular Cause.

Lists to be entered in Books of Sederunt and published.

III. Every List of Causes transferred by the Lord President as aforesaid shall be entered in the Books of Sederunt, and shall be forthwith printed and published on the Walls of the Court, and shall also be published in the Minute Book.

IV. All Summary Petitions and Applications to the Lords of Council and Session which are not incident to Actions or Causes actually depending at the Time of presenting the same shall be brought before the junior Lord Ordinary officiating in the Outer House, who shall deal therewith and dispose thereof as to him shall seem just; and in particular all Petitions and Applications falling under any of the Descriptions following shall be so enrolled before and dealt with and disposed of by the junior Lord Ordinary, and shall not be taken in the first instance before either of the Two Divisions of the Court: *viz.*,

Summary Petitions, &c. how disposed of.

1. Petitions and Applications under any of the various Statutes now in force relative to Entails:
2. Petitions and Applications under any of the General Railway Acts, or under the Lands Clauses Consolidation (*Scotland*) Act, 1845, or under any Local or Personal Act:
3. Petitions and Applications relative to Money consigned under any Statute or Law, subject to the Order, Disposal, or Direction of the Court of Session:
4. Petitions and Applications for the Appointment of Judicial Factors, Factors loco tutoris or loco absentis, or Curators bonis, or by any such Factors or Curators for extraordinary or special Powers, or for Exoneration or Discharge:
5. All Petitions, Applications, and Reports under the Act of the Twelfth and Thirteenth *Victoria*, Chapter Fifty-one, intituled *An Act for the better Protection of the Property of Pupils, absent Persons, and Persons under Mental Incapacity, in* Scotland.

12 & 13 Vict. c. 51.

V. The Lord Ordinary before whom any such Petition, Application, or Report shall be enrolled or brought shall have full Power to decide on and dispose of the same, after making such Investigation and requiring such Assistance from professional Persons, or Persons of Science or of Skill, as he shall judge proper, and his Judgment upon the Merits shall be subject to Review in manner herein-after provided; and the Judgment of the Lord Ordinary granting or refusing any such Petition or Application, or disposing of any such Report, unless the same shall be brought under Review in manner herein-after provided, shall be equally valid and effectual as a Judgment of either Division of the Court to the like Effect, according to the present Law and Practice; and all Laws and Statutes inconsistent herewith are hereby repealed to the Effect of rendering the Provisions of this Act operative and effectual: Provided always, that such Lord Ordinary may in special Cases, if he see Cause, report such Petition or Application to the Court, who may thereupon dispose of the same, or give

Lord Ordinary may consult professional Persons or Persons of Science or Skill.

give such Instructions thereanent to the Lord Ordinary as they may deem proper.

Review of the Lord Ordinary by Interlocutor on Merits only allowed.

VI. It shall not be competent to bring under Review of the Court any Interlocutor pronounced by the Lord Ordinary upon any such Petition, Application, or Report as aforesaid, with a view to Investigation and Inquiry merely, and which does not finally dispose thereof upon the Merits; but any Judgment pronounced by the Lord Ordinary on the Merits, unless where the same shall have been pronounced in Terms of Instructions by the Court on Report as herein-before mentioned, may be reclaimed against by any Party having lawful Interest to reclaim to the Court, provided that a Reclaiming Note shall be boxed within Eight Days, after which the Judgment of the Lord Ordinary, if not so reclaimed against, shall be final.

Causes may be transferred from the Rolls of one Division to the other Division.

VII. It shall be lawful to the Parties to any Cause which shall be enrolled after the First Day of *November* next in the Rolls of either Division of the Court, by a joint Note presented to the Court, to move the Court of Consent to transfer such Cause from the Rolls of the Division in which it is enrolled to those of the other Division, and such Cause shall be so transferred accordingly.

Court may remit Cause to the Lord Ordinary.

VIII. When an Issue for the Trial of any Matter of Fact, upon Report of the Lord Ordinary, in Terms of the Act of the Thirteenth and Fourteenth Years of the Reign of Her Majesty, Chapter Thirty-six, shall have been adjusted by either Division of the Court, the Court shall remit the Cause to the Lord Ordinary to be farther proceeded in; provided always, that it shall be competent to the Parties to give Notice of Trial in Terms of the existing Law and Practice applicable thereto.

Sittings of the Court to be extended.

IX. Provided always, That the ordinary Sittings of the Court, both Inner and Outer Houses, shall henceforward be as follows; namely, the Summer Session shall in each Year commence on the first lawful Day (*Monday* excepted) which shall happen next after the Eleventh Day of *May*, and shall end on the Twentieth Day of *July*, or, when that Day shall fall upon *Sunday* or *Monday*, on the *Saturday* immediately preceding; and the Winter Session shall in each Year commence on the first lawful Day (*Monday* excepted) which shall happen next after the Eleventh Day of *November*, and shall end on the Twentieth Day of *March*, or, when that Day shall fall upon a *Sunday* or *Monday*, on the *Saturday* immediately preceding; and it shall not be lawful for the said Court to make an Adjournment at the *Christmas* Recess for a longer Period than Fourteen Days, any Law, Statute, or Usage to the contrary notwithstanding.

X. The Lord Ordinary on the Bills during Vacation shall have the same Powers in regard to Petitions for the Appointment of Factors loco tutoris, Curators bonis, and Judicial Factors as are by this Act conferred in relation thereto on the junior Lord Ordinary as aforesaid.

Lord Ordinary on Bills during Vacation may dispose of Petitions for Factors, &c.

CAP. LVII.

An Act to enable Married Women to dispose of Reversionary Interests in Personal Estate.—[*25th* August 1857.]

§ V. This Act shall not extend to *Scotland.*

CAP. LVIII.

An Act to amend the Act, Seventeenth and Eighteenth of Victoria, *for the Valuation of Lands in* Scotland. —[*25th* August 1857.]

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Ninety-one, for the Valuation of Lands and Heritages in *Scotland*, and it is expedient to amend the said Act as hereinafter mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 91.

I. It shall be lawful for the Commissioners of Supply of each County and the Magistrates of each Burgh in *Scotland* respectively, if they shall think fit, to appoint the Officer or Officers of Inland Revenue, having the Survey of the Income Tax and Assessed Taxes within such County or Burgh, to be the Assessors or Assessor for the Purpose of the said Act; and such Officer or Officers when so appointed, as long as such Appointments remain unrecalled, shall in all respects and for all the Purposes aforesaid stand in the Place of and shall have, use, exercise, and perform all the Powers and Duties of the Person or Persons whom the said Commissioners and Magistrates respectively are authorized to appoint for the like Purposes, under or by virtue of the Third Section of

Power to Commissioners of Supply and Magistrates to appoint Officers of Inland Revenue to be Assessors.

of the said Act; and in such Case the Expense attending the making up of Valuation Rolls by such Officer or Officers shall be defrayed by the Commissioners of Inland Revenue, or as the Commissioners of Her Majesty's Treasury shall direct in that Behalf.

Persons charged may appeal.

Officer of Inland Revenue or Appellant, if dissatisfied with Decision of Commissioners or Magistrates, may demand a Case for the Opinion of the Judges.

II. All Persons entitled to appeal against Valuations made by the Assessors appointed under the said Act shall also be entitled to appeal, under and subject to the like Rules and Regulations, against the Valuations to be made by such Officer or Officers of Inland Revenue appointed as aforesaid under this Act; and if upon any such Appeal any Officer of Inland Revenue or the Person appealing shall apprehend the Determination of the said Commissioners or Magistrates hearing such Appeal to be contrary to the true Intent of the said Act, and shall then declare himself dissatisfied with such Determination, it shall be lawful for such Officer or Appellant respectively to require the said Commissioners or Magistrates to state specially and to sign the Case upon which the Question arose, together with the Determination thereupon, and to transmit such Case to the Commissioners of Inland Revenue, to the end that the same may be submitted to the Senior Lord Ordinary and the Lord Ordinary officiating in Exchequer Causes in the Court of Session, for their Opinion thereon; and such Judges to whom such Case may be submitted shall with all convenient Speed give and subscribe their Opinion thereon, and according to such Opinion the Valuation or Assessment which shall have been the Cause of the Appeal shall be altered or confirmed.

If Commissioners or Magistrates do not appoint Officers of Inland Revenue to be Assessors, Valuations not to be conclusive against Assessments.

III. Provided always, That if in any County or Burgh the said Commissioners or Magistrates shall not appoint the Officers of Inland Revenue to be such Assessors as aforesaid, then no Valuation made under the said Act by any other Assessor or Assessors shall be conclusive against or for the Purpose of reducing, on Appeal or otherwise, any Assessment, Rate, or Charge under any Act of Parliament relating to the Duties of Excise, or the Land Tax or Assessed Taxes, or Income Tax, or any other Duties, Rates, or Taxes under the Care or Management of the Commissioners of Inland Revenue.

Town of Maxwelltown to be deemed Part of the Stewartry of

IV. Whereas the Town of *Maxwelltown* is locally situated within the Stewartry of *Kirkcudbright*, but for certain Purposes has been included within the Parliamentary Boundaries of the Burgh of *Dumfries*, and Doubts have arisen whether the said Town of *Maxwelltown* lying within the said Parliamentary Boundaries is to be deemed for the Purposes of the said recited Act within the said Stewartry, and it is expedient that such Doubts should be removed: Be it therefore enacted, That for the Purposes of the said recited Act, and of levying, collecting, and enforcing all Assessments, Rates, and Taxes which the Commissioners of Supply of the said Stewartry are required or authorized to impose or levy, the said Town of *Maxwelltown* shall be deemed and taken to form Part of the said Stewartry, and the Owners and Occupiers of Lands and Heritages within the said Town shall be liable for and shall pay all Assessments, Rates, and Taxes imposed and levied as aforesaid within the Stewartry, any Law or Practice to the contrary notwithstanding: Provided always, that nothing herein contained shall affect, except as herein provided, any Rights, Privileges, or Immunities belonging to or claimed by the Owners and Occupiers of Lands and Heritages in the said Town of *Maxwelltown*, and this Section shall be held to extend to and include all those Portions of the Parishes of *Terregles* and *Troqueer* which are within the Parliamentary Boundaries of the Burgh of *Dumfries*. Kirkcudbright for Purposes of recited Act.

CAP. LIX.

An Act concerning the Parochial Schoolmasters in Scotland.—[25*th* August 1857.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty *George* the Third, intituled *An Act for making better Provision for the Parochial Schoolmasters, and for making further Regulations for the better Government of the Parish Schools, in* Scotland, whereby Provision is made for ascertaining the Amount of the Schoolmasters Salaries according to the average Amount of the Fiars Prices of Oatmeal in the several Counties and Stewartries, and for re-ascertaining the Amount of such Salaries at the End of every Period of Twenty-five Years, according to the average Amount of the Fiars Prices, to be ascertained as aforesaid; And whereas the average Price of a Chalder of Oatmeal, according to such Fiars Prices, was, upon the Twenty-seventh Day of *November* One thousand eight hundred and twenty-eight, struck by the Barons of Exchequer at Seventeen Pounds Two Shillings and Twopence and One Farthing, and such Average expired, according to the said recited Act, as at the Term of *Martinmas* One thousand eight hundred and fifty-three: And whereas an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty Queen *Victoria*, intituled *An Act to regulate the Salaries of the Parochial Schoolmasters* 43 G. 3. c. 54. 17 & 18 Vict. c. 98.

Schoolmasters of Scotland, whereby it was provided that the Salaries of the said Schoolmasters should continue and be paid according to the said average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of *Martinmas* One thousand eight hundred and fifty-three till the Term of *Martinmas* One thousand eight hundred and fifty-five, both inclusive, as if such Average had not expired at the Term of *Martinmas* One thousand eight hundred and fifty-three, but had endured to the Term of *Martinmas* One thousand eight hundred and fifty-five: And whereas on the Expiration of the said last Period of Twenty-five Years the said Salaries, as regards many of the Counties in *Scotland*, have not been re-ascertained in Terms of the said first-recited Act: And whereas it is doubtful how far the Provisions thereof can be now enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sheriff or Steward to fix average Fiars Prices of a Chalder of Oatmeal.

I. On or before the First Day of *July* One thousand eight hundred and fifty-nine, the Sheriff or Steward of every County or Stewartry shall take the necessary Steps to fix and determine the average Fiars Prices of a Chalder of Oatmeal within their respective Counties and Stewartries during the Period of Twenty-five Years next preceding, and including the Year and Crop One thousand eight hundred and fifty-eight, in Terms of the said first-recited Act; and the whole other Provisions thereof, and the Procedure therein directed, shall be observed in all respects; and the said Salaries to be so fixed shall commence and be payable from and after the Term of *Martinmas* One thousand eight hundred and fifty-nine: Provided that the Duties by the said first-recited Act imposed and the Powers conferred on the Lord Chief Baron and Barons of Exchequer shall be in all Time coming discharged and exercised by the Lord Ordinary in Exchequer Causes.

Salaries of Schoolmasters to be paid according to average Amount of Fiars Prices of Oatmeal.

II. The Salaries of the said Schoolmasters shall continue and be paid according to the said average Amount of the Fiars Prices of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of *Martinmas* One thousand eight hundred and fifty-five (being the Term at which the said Provisions of the said second-recited Act ceased to regulate the said Salaries) till the said Term of *Martinmas* One thousand eight hundred and fifty-nine, and shall include the Proportion of Salary payable for the Half Year ending at the said last-named Term, in like Manner as if such Average had not expired at the Term of *Martinmas* One thousand eight hundred and fifty-three, but had endured to the Term of *Martinmas* One thousand eight hundred and fifty-nine, and the said Schoolmasters shall have all such Rights and Remedies in respect of such Salaries as they had prior to the said Term of *Martinmas* One thousand eight hundred and fifty-three.

When not inconsistent with this Act first-recited Act to continue in full Force and Effect.

III. So far as not inconsistent with this Act, the said first-recited Act shall continue in full Force and Effect; provided, that the Rights conferred on the Schoolmasters by this Act shall not be diminished or affected by any Meetings or Resolutions of Heritors held or passed since the said Term of *Martinmas* One thousand eight hundred and fifty-three.

CAP. LX.

An Act to consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland.—[25*th* August 1857.]

CAP. LXI.

An Act for granting certain Duties of Customs and Excise.—[25*th* August 1857.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the several Duties of Customs and Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties of Customs and Excise in Schedules (A.) and (B.) annexed.

I. In lieu of the Duties of Customs now chargeable on the several Articles mentioned in the Schedule marked (A.) hereunto annexed imported into *Great Britain* and *Ireland*, and in lieu of the Duties of Excise now chargeable on Sugar made in the United Kingdom and described in the Schedule marked (B.) hereunto annexed, there shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and

Successors, until the Thirty-first Day of *March* One thousand eight hundred and sixty inclusive, upon the several Articles, Goods, and Commodities mentioned and described in the said several Schedules respectively, the several Rates and Duties of Customs and Excise respectively specified in the same Schedules.

Drawback on Sugar allowed as in Schedule (C.)

II. There shall be allowed on the Exportation to Foreign Parts, or on the Removal to the *Isle of Man* for Consumption there, of the several Descriptions of Refined Sugar mentioned in the Schedule marked (C.) hereunto annexed, until the Thirty-first Day of *March* One thousand eight hundred and sixty inclusive, the Drawbacks specified in the said last-mentioned Schedule, and the said Drawbacks shall be allowed and paid under the Provisions and Regulations of the Acts relating to Her Majesty's Customs.

Duties to be under the Management of Commissioners of Customs and Inland Revenue respectively.

III. The Duties of Customs imposed by this Act, and contained in the said Schedule (A.), shall be under the Management of the Commissioners of Her Majesty's Customs, and the Duties of Excise imposed by this Act, and contained in the said Schedule (B.), shall be under the Management of the Commissioners of Inland Revenue: and the said Duties of Customs and Excise respectively shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Duties of Customs and Excise respectively.

Commencement of Act.

Short Title.

IV. This Act shall come into operation on the Day of the passing thereof, and in citing it in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression, "The Customs and Excise Duties Act, 1857."

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Containing the Duties of Customs imposed by this Act; (that is to say,)

Sugar; viz.	£	s.	d.
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined, the Cwt.	0	16	0

Sugar—*continued.*		£	s.	d.
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed and not equal to White Clayed - -	the Cwt.	0	13	10
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - - -	the Cwt.	0	12	8
Molasses - - - - - -	the Cwt.	0	5	0
Cherries, dried - - - -	the Pound	0	0	2
Comfits, dry - - - -				
Confectionery - - - -				
Ginger, preserved - - - -				
Marmalade - - - - -				
Plums preserved in Sugar - -				
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated - -				
Tea - - - - - -	the Pound	0	1	5

SCHEDULE (B.)

Containing the Duties of Excise imposed by this Act on Sugar made in the United Kingdom; (that is to say,)

Sugar; viz.		£	s.	d.
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto,	the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined,	the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - -	the Cwt.	0	13	10
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - -	the Cwt.	0	12	8
Molasses - - - - - -	the Cwt.	0	5	0

SCHEDULE (C.)

Containing the Drawbacks allowed by this Act; (that is to say,)

Upon Refined Sugar in Loaf complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine or by any

Sugar—*continued.*	£	s.	d.
other Process, and not in any way inferior to the Export Standard No. 3. approved of by the Lords of the Treasury - - - - for every Cwt.	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	17	2
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1. approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2. approved by the Lords of the Treasury, for every Cwt.	0	15	1
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2., for every Cwt.	0	12	8

CAP. LXII.

An Act for the Alteration and Amendment of the Laws and Duties of Customs.—[25*th* August 1857.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties on "Oxymuriate of Tin" to cease.

I. The Duties of Customs chargeable on the Goods, Wares, and Merchandise next herein-after mentioned, imported into *Great Britain* and *Ireland*, shall cease and determine; that is to say,

Oxymuriate of Tin.

New Duties on Articles herein enumerated.

II. And in lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, imported into *Great Britain* and *Ireland*, the following Duties of Customs shall be charged; that is to say, on

		£	s.	d.
Hats of Felt	each	0	0	6
Lucifers, Vesta, of Wax .	the 1,000 Matches	0	0	0½

Plums,

		£	s.	d.
Plums, commonly called French Plums, and Prunelloes . . .	the Cwt.	0	7	0
Plums, dried or preserved (except in Sugar), not otherwise described .	the Cwt.	0	7	0

New Duties on Rice.

III. That in lieu of the Duties of Customs now chargeable on Rice imported into *Great Britain* and *Ireland* the following Duties of Customs be levied and collected; that is to say,

		£	s.	d.
Rice not rough nor in the Husk, and Rice Dust for feeding Cattle . .	the Cwt.	0	0	4½
——rough and in the Husk .	the Quarter	0	0	9
Meal not otherwise enumerated or described,	the Cwt.	0	0	4½

New Duties on Ships broken up or to be broken up.

IV. And in lieu of the Duties of Customs now chargeable in *Great Britain* and *Ireland* on Ships, with their Tackle, Apparel, and Furniture (except Sails), broken up or to be broken up, the following Duties shall be charged; that is to say,

	£	s.	d.
British-built Ships, with their Tackle, Apparel, and Furniture—			
Wrecked, broken up or to be broken up .	Free.		
Foreign-built Ships, with their Tackle, Apparel, and Furniture—			
Broken up or sold to be broken up, or abandoned by the Owners, or sold as Wreck, whether afterwards recovered or repaired, or not, for every £100 Value .	5	0	0

Repeal of Section 10. 16 & 17 Vict. c. 107.

V. So much of the Tenth Section of "The Customs Consolidation Act, 1853," as authorizes the Commissioners of Customs "to provide Warehouses for the warehousing of "Tobacco at the Ports into which Tobacco may be legally "imported, and to charge the Importer or Proprietor of such "Tobacco for every Package of Tobacco so warehoused any "such Sum or Sums for Warehouse Rent as they may see fit, "not exceeding what is now payable," shall be and the same is hereby repealed.

Proviso for Continuance of existing Warehouses for Tobacco already warehoused.

VI. Provided always, That any Tobacco Warehouses which at the passing of this Act shall have been provided by the said Commissioners shall and may be continued so long as the said Commissioners may deem necessary for the warehousing of Tobacco therein, on the Terms and Conditions applicable thereto at the Time of the passing of this Act, or on such other Terms and Conditions as the said Commissioners may see fit, or until other Warehouses are provided or approved in lieu thereof for that Purpose; and on such other Warehouses being provided or approved as aforesaid, the said Commissioners shall and may cause such Tobacco to be removed to the same accordingly.

VII. All Tobacco already warehoused in any such Warehouses, Tobacco already warehoused to remain on the Terms existing at the passing of this Act.

houses, upon the Terms and Conditions in force at the Date of the passing of this Act, shall and may remain or be so warehoused in the same or such other Warehouses as the said Commissioners shall provide or approve as aforesaid in lieu thereof at the same Port until the Expiration of Five Years from the Date of the last preceding warehousing or re-warehousing of the same, as the Case may be, unless sooner cleared from such Warehouse, either for Home Use, Removal to any other Port, or Exportation.

Power to approve of Tobacco Warehouses for general Purposes.

VIII. Any Warehouse in *Great Britain* already provided by the said Commissioners for the warehousing of Tobacco shall and may be at any Time after the passing of this Act approved for the warehousing of such Goods as the said Commissioners may see fit, and in the meantime such Warehouses, or such part thereof as the said Commissioners may see fit, shall remain approved for the warehousing of Tobacco only.

Power to keep Tobacco Warehouses for any Purposes.

IX. If any Warehouse is at the Time of the passing of this Act vested in the said Commissioners of Customs or their Secretary, or any other Person in trust for them, under any Lease, Agreement, or other Instrument, the said Commissioners may, with the Sanction of the Lords Commissioners of the Treasury, hold the same during the Continuance of such Lease, Agreement, or other Instrument, as approved Warehouses for the Reception and Deposit therein of Tobacco or other Goods duly entered to be warehoused, or for such other Purposes as the said last-mentioned Commissioners shall direct; and all Sums received by the said Commissioners of Customs, either as Rent for the said Premises or as Charges in respect of Goods deposited therein or otherwise, shall be brought to account as Monies not Duties.

Power to enter into Agreements with Owners of Tobacco Warehouses for their surrender.

X. And the said Commissioners of Customs shall and may enter into such Agreements with the Owners of any such Warehouses or other Persons willing to take the same for the Surrender or Disposal thereof, upon such Terms and Conditions as they may see fit, subject to the Sanction and Approval of the said Commissioners of the Treasury.

Power to arrange with Warehouse Keeper of Tobacco Warehouses surrendered, or other Warehouse Keeper,

XI. So long as any Tobacco warehoused at the Date of the passing of this Act shall not have been cleared as hereinbefore provided, the said Commissioners shall and may, if they see fit, enter into Arrangements with the Warehouse Keeper or Occupier of any Warehouse so surrendered or disposed of, or with the Warehouse Keeper or Occupier of any other Warehouse, for the deposit of such Tobacco until cleared as aforesaid, and shall and may pay such Rent or Charges for the warehousing thereof as may be agreed upon by the said Commissioners with such Warehouse Keeper or Occupier in respect of the Tobacco so deposited, the said Commissioners charging only to the Importer or Proprietor of such Tobacco such Sum or Sums of Money for Warehouse Rent as they may see fit, not exceeding what is payable at the Time of the passing of this Act, or the said Commissioners permitting such Warehouse Keeper or Occupier to receive such last-mentioned Sum or Sums shall and may pay to such Warehouse Keeper or Occupier the difference between such Sum or Sums and the Rent or Charges so agreed upon as aforesaid.

for Deposit of warehoused Tobacco until cleared.

XII. After the passing of this Act all Tobacco imported into any Port in the United Kingdom where Tobacco may be legally imported and warehoused, and which may be duly entered to be warehoused there, shall and may be deposited in any Warehouse for the Time being approved by the said Commissioners for the warehousing of Tobacco, on such Conditions and in such Manner as the said Commissioners shall direct, and under and subject in all other respects to the Laws, Rules, and Regulations which are or may hereafter be in force relating to the Importation, Entry, warehousing, Removal, or Exportation of Goods liable to Duties of Customs on Importation.

Provision for warehousing future Importations of Tobacco.

XIII. All Tobacco abandoned by the Importer or Proprietor as not worth the Duty shall be destroyed, within such Time and in such Manner as the said Commissioners of Customs shall direct, at the Cost and Charges of such Importer or Proprietor.

Tobacco abandoned by Importer as not worth the Duty to be destroyed.

XIV. The several Acts which declare and make competent and compellable a Defendant to give Evidence in any Suit or Proceeding to which he may be a Party shall not be deemed to extend or apply to Defendants in any Suit or Proceeding instituted under any Act relating to the Customs.

Defendants in Customs Cases not to give Evidence.

XV. Whereas Doubts have arisen whether the several Sections of "The Customs Consolidation Act, 1853," other than those containing particular Provisions relating thereto, as also "The Supplemental Customs Consolidation Act, 1855," are applicable to the *British* Possessions abroad: Be it enacted, That the said recited Acts and the several Clauses therein and in this Act contained shall and the same are hereby declared to extend to and be of full Force and Effect in the several *British* Possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express Reference to the United Kingdom or the *Channel Islands*, and except also as to any such Possession as shall by Local Act or Ordinance have provided, or may hereafter, with the Sanction and Approbation of Her Majesty and Her Successors, make entire Provision for the Management and Regulation of the Customs Trade and Navigation of any such Possession, or make in like Manner

Customs Acts to extend and apply to British Possessions abroad, except where otherwise expressly provided for in the said Acts, or by any Colonial Act.

Manner express Provisions in lieu or variation of any of the Clauses of the said Act for the Purposes of such Possession.

Account of Bullion or Coin to be delivered to the Officers of Customs.

XVI. The Owner or Consignee of any Bullion or Coin imported into *Great Britain* or *Ireland* shall, within Ten Days after the Landing thereof, deliver to the Collector or other proper Officer of Customs a full and true Account of such Bullion or Coin, and if such Account shall not be so delivered every such Importer, Consignee, or Owner shall forfeit the Sum of Twenty Pounds: provided always, that this Penalty shall not be levied in respect of small Parcels of Bullion or Coin imported as a Part of the Baggage of Passengers.

So much of 16 & 17 Vict. c. 106. as repeals Sects. 9, 10, 11, and 12. of 8 & 9 Vict. c. 90. repealed, and such Sections deemed not repealed.

XVII. So much of the "Customs Consolidation Act, 1853," as repeals Sections Nine, Ten, Eleven, and Twelve of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Ninety, shall be and the same is hereby repealed, and the said Sections shall be deemed and considered not to have been repealed by the said Customs Consolidation Act.

Sect. 19. of 18 & 19 Vict. c. 96. repealed.

XVIII. Section Nineteen of "The Supplemental Customs Consolidation Act, 1855," is hereby repealed.

As to importing and exporting Spirits from and to the Channel Islands in Ships of 50 Tons and upwards, and Casks of 20 Gallons.

Not to extend to Spirits in Glass Bottles, or to Stores, nor to certain warehoused Goods exported;

nor to licensed Boats of 10 Tons supplying Island of Sark.

XIX. No Spirits (except Rum of the *British* Plantations shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one of the said Islands, or shall be shipped in order to be so removed or carried in any Ship other than of the Burden of Fifty Tons or upwards, or in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and all Spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried, contrary hereto, shall be forfeited, together with the Ship, and any Boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any Spirits imported in any such Ship in Glass Bottles as Part of the Cargo, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers of such Ship during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to any warehoused Goods exported from the United Kingdom in Ships of not less than Forty Tons Burden, being regular Traders to those Islands, nor to any Boat of less Burden than Ten Tons for having on board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a License from the proper Officer of Customs at either of the Islands of *Guernsey* or *Jersey* for the Purpose of being employed in carrying Commodities for the Supply of the Island of *Sark*, which Licence such Officer is hereby required to grant without Fee or Reward; but if any such Boat shall have on board at any one time any greater Quantity of Spirits than Ten Gallons, unless in Casks or Packages of the Size and Content of Twenty Gallons at the least, such Spirits and Boat shall be forfeited.

Interpretation of Terms.

XX. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section; and the Term "*British*-built Ships" shall be deemed to mean and include any Ship built in Her Majesty's Dominions.

Act to be registered in Royal Courts of Guernsey and Jersey.

XXI. This Act shall be registered in the Royal Courts of the Islands of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Confirmation of certain Purchases of Land in Belfast for erection of a Custom House, &c.

XXII. Whereas by an Act passed in the Fifteenth and Sixteenth Years of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Customs to acquire certain Lands and Houses in the Borough of* Belfast, *for the Purpose of erecting a Custom House and other Offices and Buildings required for the Public Service in the said Borough*, the Commissioners of Her Majesty's Customs were authorized and empowered to purchase certain Lands and Premises in the Borough of *Belfast* for the purpose of erecting a Custom House and other public Buildings, and for improving the Streets and Approaches thereto: And whereas it was agreed between the Corporation of *Belfast* and the said Commissioners, with the Consent of the Lords Commissioners of Her Majesty's Treasury, that such of the said Purchases as were necessary for the Improvement of the public Streets should be made and paid for by and at the Expense of the said Corporation: And whereas the said Corporation, by their Agent and Solicitor, entered into Contracts for that Purpose to the Extent of Ten thousand Pounds or thereabouts, in the Names of the said Commissioners of Her Majesty's Customs, with *Adam John Macrory* and others, and did provide and pay to the said *Adam John Macrory* the Sum of Three thousand and twenty-one Pounds Four Shillings and Fourpence: And whereas Circumstances having arisen by which the said Corporation found it impracticable to complete the said Purchases, without the Aid of the said Commissioners of Customs, it was proposed and agreed, that the said Purchases should be completed by the said Commissioners, and that they should provide for and pay the Balance of the Purchase Monies above and beyond the said Sum paid to the said *Adam John Macrory* and the several Purchases have been made and concluded accordingly by the said Commissioners of Customs: and it is intended that the Site of the Lands and Premises so purchased shall be laid out for the Improvement of the Streets and Approaches to the said Custom House, in accordance with the said recited Act, and that, subject thereto, the same shall be sold for Building Purposes; and that in the event of the Proceeds of such Sale realizing more than sufficient to repay the said Commissioners the Purchase Monies and Expenses incident to the Purchases so made by them, it has been agreed that the said Commissioners shall and may pay over any Balance of such Proceeds which may remain in their Hands to the said Corporation, for and towards the Purchase Monies advanced and paid by the said Corporation to the said *Adam John Macrory*: And whereas it is expedient that the said recited Purchases made by the said Corporation and the said Commissioners of Customs respectively, and the Payment of the Purchase Monies respectively made by them, and the said recited Agreements and Arrangements for the Re-sale thereof by the said Commissioners of Customs, and the Application of the Proceeds thereof, should be confirmed by Parliament: Be it therefore enacted, that the same be and they are hereby confirmed accordingly.

Commencement of Act.

Short Title.

XXIII. This Act shall come into operation on the Day of the passing of this Act, except where otherwise herein mentioned; and in citing it in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression, "The Customs Amendment Act, 1857."

CAP. LXIII.

An Act to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, *for the Purpose of improving the* Victoria *Harbour of* Dunbar.—[25*th* August 1857.]

57 G. 3. c. 34.

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned:* And whereas another Act was passed in the Nineteenth Year of the Reign of Her said present Majesty, intituled *An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works*

19 & 20 Vict. c. 17.

Works and Fisheries, and for the Employment of the Poor, and which said Act recites the aforesaid Act and several other Acts which had been passed, making Provisions for and regulating Loans and Advances to be made by the Commissioners therein mentioned or appointed in pursuance thereof, who are commonly called and herein-after referred to as the Public Works Loan Commissioners: And whereas an Act was passed in the Eleventh and Twelfth Years of the Reign of Her said present Majesty, intituled *An Act for the Amendment and Continuation of the Burgh Customs and Water Shore and Harbour Rates of the Burgh of* Dunbar, *and for other Purposes connected with the said Burgh, and the Supply of Water to the same and the Harbour thereof,* whereby it was, amongst other Things, enacted that the Magistrates and Town Council of *Dunbar*, as Trustees for putting into execution the Purposes of that Act, should levy and take, in respect of the Articles mentioned in the Schedule A. annexed to the said Act, the several Rates and Duties therein mentioned, and also should levy and take the Duties mentioned in Schedule B. to the said Act, and the other Rates, Duties, and Assessments therein mentioned; and it was by the said Act declared that the said Trustees should have full Powers by an Act of Town Council to borrow any Sum or Sums of Money not exceeding Five thousand Pounds for the Purposes of the Harbours, Markets, and other Works, exclusive of the Supply of Water, and to convey, assign, and make over the respective Rates, Duties, and Assessments thereby granted, or such Parts thereof as they should think proper, as a Security to any Person or Persons who should advance any Sum of Money thereon: And whereas an Application has been made to the said Public Works Loan Commissioners by the Magistrates and Town Council of *Dunbar*, as such Trustees as aforesaid, for the Loan of the Sum of Twenty thousand Pounds in aid of the Expense of repairing the Sea Wall and extending the Accommodation of the *Victoria* Harbour, which has been constructed upon the Property of the said Burgh, near to the old Harbour thereof, and it is deemed expedient to make an Advance of Money out of the Consolidated Fund for the Purpose of such Loan: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. cxxii.

I. For the Purpose of such Loan it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to direct the Issue out of the Consolidated Fund of the United Kingdom of *Great*

Power to Treasury to charge the Consolidated Fund, and

direct the Issue thereout of 20,000*l.*

Great Britain and *Ireland*, or out of the growing Produce thereof, of any Sum or Sums of Money not exceeding in the whole Twenty thousand Pounds, such Sum or Sums to be placed to the Credit of the Commissioners for the Reduction of the National Debt, to the Account intituled "The Commissioners for the Reduction of the National Debt, on account "of the Public Works Loan Fund," and to be applied by the said Public Works Loan Commissioners for the said Loan.

Public Works Loan Commissioners to advance the same.

II. It shall be lawful for the said Public Works Loan Commissioners to advance and lend to the said Trustees of the said last-recited Act any Sum or Sums of Money not exceeding in the whole Twenty thousand Pounds for the Purposes aforesaid, upon such Security as is after mentioned.

Power for Harbour Trustees to borrow Money of the Public Works Loan Commissioners.

III. It shall be lawful for the said Trustees, by an Act of the Town Council of *Dunbar*, to borrow of the said Public Works Loan Commissioners any Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, in addition to the said Sum of Five thousand Pounds by the said last-recited Act authorized to be borrowed, and by Instrument in Writing, in such Form as the said Public Works Loan Commissioners may direct, to convey and assign by way of Mortgage, for the Purpose of securing any Monies to be so borrowed and the Interest thereof, as well the respective Rates and Duties by the said Act granted and leviable for or in respect of the said *Victoria* Harbour, as all Teind Duty for or in respect of Herrings, Lobsters, and other Fish to which the said Magistrates and Council are now in anywise entitled in respect of the said *Victoria* Harbour and the said old Harbour, or either of them, or otherwise howsoever, and also all Monies to accrue from the granting of Licences in lieu of any Teind Duty in pursuance of the Powers in the said last-recited Act contained, such Mortgage to be made to the Secretary for the Time being of the said last-mentioned Commissioners, or as they shall direct; and in any Mortgage so to be made there shall be contained a Reservation to the said Magistrates in Council out of the said Rates, Duties, and other the Premises to be included in such Mortgage annually One Fourth Part of the said Teinds or Licence Money in lieu of Teinds, provided such One Fourth Part do not exceed in Amount in any Year the Sum of One hundred Pounds, but if such One Fourth Part shall in any Year exceed the Sum of One hundred Pounds then the Sum of One hundred Pounds only in lieu of such One Fourth Part to be by them applied for the Maintenance, Improvement, and Repairs of the old Harbour of the said Burgh: Provided always, that no Advance shall be made to the said Trustees upon the Security hereby authorized so long as the Rates, Duties, and Teinds to be comprised in such Security shall be subject to the payment of any Sum or Sums of Money previously advanced on the Security thereof, without the Consent in Writing of the Person or Persons entitled thereto, giving Priority to the Security to be made under this Act over the Security of such Person or Persons so consenting.

Power for Treasury to increase or diminish Rates, &c., and to exercise Powers of Borrowers relating thereto.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made to the said Public Works Loan Commissioners as aforesaid, to authorize and require the said Magistrates and Town Council to alter, vary, increase, or diminish the Rates, Duties, and Teinds comprised in such Mortgage, whether leviable under the said Act or otherwise (not exceeding the maximum Amount of Rates, Duties, and Teinds leviable under the said Act or otherwise): Provided, that such Rates, Duties, and Teinds be not diminished to such an Extent as to be insufficient to raise the said Sum of One hundred Pounds per Annum to be paid to the said Trustees as aforesaid, and to direct how and which of the said Rates, Duties, and Teinds shall be collected and received, and also for the said Commissioners of Her Majesty's Treasury from Time to Time, when and as they may deem it expedient so to do, to exercise all the Powers, Rights, and Privileges now vested in the said Magistrates and Council in relation to or affecting the said Rates, Duties, and Teinds to be comprised in any such Mortgage or any of them.

Accounts to be kept.

V. From Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made by the said Public Works Loan Commissioners as aforesaid, fair and regular Accounts shall be kept by the said Trustees of all Monies received or paid in respect of the Rates, Duties, and Premises comprised in any such Mortgage, and of the Intromissions of the said Trustees, and shall be balanced to the Thirty-first Day of *October* annually, and within One Calendar Month thereafter Copies of such Accounts, signed by the Provost, Treasurer, and Town Clerk of the said Burgh, shall be forwarded to the Commissioners of Her Majesty's Treasury; and the said Trustees shall from Time to Time, when and as the last-mentioned Commissioners shall require, produce the Documents and Vouchers instructing the same, as the said Commissioners shall direct.

Powers, &c. of Public Works Loan Acts to have the same Force as if re-enacted in this Act.

VI. All and every the several Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, contained in all or any of the Acts relating to the said Public Works Loan Commissioners, and in all other Acts of Parliament whatsoever relating to the said Commissioners, and recited or referred to in the said recited Act of the Nineteenth Year of the Reign of Her present Majesty, shall, so far as the same can be made applicable and are not varied by this Act, be taken to extend to this Act, and to everything to be done in pursuance of this Act, and to the Securities to be given in pursuance thereof, and as if such Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, were herein repeated and set forth and made applicable to the Securities to be given in pursuance of this Act, and every other Matter or Thing to be done by virtue of this Act.

Short Title. VII. In reciting this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Dunbar* Harbour Loan Act, 1857."

CAP. LXIV.

An Act for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police.—[25*th* August 1857.]

CAP. LXV.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.*—[25*th* August 1857.]

CAP. LXVI.

An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India *Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.*—[25*th* August 1857.]

CAP. LXVII.

An Act to extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico *and in the Neighbourhood of* Buckingham Palace.—[25*th* August 1857.]

CAP. LXVIII.

An Act to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin.—[*25th* August 1857.]

CAP. LXIX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament.—[*25th* August 1857.]

CAP. LXX.

An Act to provide for the Extension of the Boundaries of Burghs in Scotland, *and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes.*—[*25th* August 1857.]

WHEREAS it is expedient to provide Means whereby Property situated without the Boundaries of Burghs in *Scotland* may, in Terms of the Votes of the Persons interested therein, be included within the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Ratepayers may present a Petition to the Sheriff for Extension of Boundary of Burgh.

I. Any Ratepayers, to the Number of Twelve or more, in respect of Lands and Heritages situated beyond the existing Boundaries of any Royal or Parliamentary Burgh in *Scotland*, may present a Petition to the Sheriff of the County in which such Burgh or Part of a Burgh is situated, praying him to take the Steps provided by this Act for extending the Boundaries of the Burgh to the Extent to be specified in such Petition; and the Sheriff shall, within Three Weeks from the Date of the Presentation thereof, define and specify, in a written Deliverance on the Petition, such Boundaries, which shall include an Area Two Thirds of which is wholly or partially built on or laid out for building, as in his Opinion would be suitable for the extended

Boundaries of the Burgh, and the same shall be thereafter published by Advertisement in such Manner as the Sheriff shall direct; and it shall be lawful for the Proprietor of any unbuilt-on Land within the proposed extended Boundaries, or to the Police Committee of the County to be appointed in Terms of any Act passed during the present Session of Parliament, within One Month after the last Advertisement so appointed, to appeal by Note of Appeal to any One of the Lords Ordinary of the Court of Session, who shall have Power, in a summary Way, to dispose of such Appeal, after such Inquiry as to him shall seem fit; and the Judgment of such Lord Ordinary, dismissing such Appeal or sustaining the same in whole or in part, shall be final and conclusive.

Sheriff to call Meeting of Ratepayers for the Consideration of the proposed Extension of Boundaries.

II. On the Lapse of One Month from the last Advertisement as aforesaid without any Appeal having been taken, or in the event of an Appeal having been taken, so soon as the same shall have been disposed of, the Sheriff shall, except where the Lord Ordinary shall on such Appeal have found that no Part of the Lands and Heritages proposed to be included within the Boundaries of the Burgh should be included therein, by such Advertisement as he shall direct, call a Public Meeting, at such Time and Place as he shall appoint, of the Ratepayers in respect of Lands and Heritages situated beyond the existing Boundaries of the Burgh, and within the extended Boundaries thereof, as defined by the Sheriff or by the Lord Ordinary on Appeal, to consider the Proposal to extend the said Boundaries; and the Sheriff shall preside at the Meeting, and the Sheriff Clerk shall act as Clerk; and each Person attending such Meeting shall deliver in Writing to the Clerk his Name, Designation, and Address, before voting at or taking part in such Meeting; and in case a Majority of the Persons present thereat shall resolve to proceed in extending the said Boundaries, according to the Specification and Definition of the Sheriff or Lord Ordinary, they shall at such Meeting name a Committee of such Ratepayers, not being fewer than Three nor more than Nine in Number, to confer with the Council of the Burgh as to the proposed Extension of the Boundaries thereof.

In case Town Council consent to proposed Extension, the same shall be re-considered by Meeting of Ratepayers.

III. In case the Town Council or a Majority thereof shall, after such Conference, resolve that it is expedient to carry into effect the proposed Arrangements, they shall publish such Resolution, with any annexed Conditions, in One or more local Newspapers, not later than the last Day of *September* in any one Year; and such Resolution shall be re-considered at any Meeting of the Council to be held not sooner than the Second Week in the Month of *November* next following, and if the same shall be confirmed by the Council, the Sheriff shall call a Second Meeting of such Ratepayers, of which such Intimation shall be given by Public Advertisement as he shall direct, and at which Meeting the Sheriff shall preside; and no other Question shall be put to the Meeting but "approve" or "disapprove" of the proposed Extension, on the Terms resolved on by the Town Council; and in case the Majority of Votes shall be in favour of the proposed Extension, the Boundaries and Conditions so agreed upon shall be set out at Length in the Minute of the Meeting, and authenticated by the Subscription of the Sheriff; and the Boundaries therein expressed shall thereafter, under the Conditions therein expressed, be the Boundaries of the Burgh for all Municipal Purposes only, including the Right of voting for Town Councillors and all Matters connected with Police, and the District comprehended within such Boundaries shall cease to belong to or form Part of the County in which it is locally situated, and shall belong to and form Part of such Burgh as regards all local Purposes, Rights, and Obligations; provided always, that nothing in this Act contained shall affect in any way the Right of voting for a Representative in Parliament.

Consent of Council required before Resolution considered.

IV. Where such adjoining Lands and Heritages include any Burgh or Portion of a Burgh, the Consent of the Town Council of such Burgh shall be required to such Resolution before it shall be considered by such last-mentioned Meeting; and it shall be lawful for any Proprietor or Proprietors of Lands and Heritages within such adjoining District valued on the Valuation Roll in force for the Year at Two Thirds of the whole Value of Lands and Heritages within such District, at any Time prior to the last Meeting above mentioned, to lodge a Minute with the Sheriff stating that he or they object to the proposed Extension, and on such Minute being lodged the Sheriff, on being satisfied that the Value of the Lands and Heritages of such Proprietor or Proprietors is of the above Amount, shall suspend the Proceedings until the Consent of such Proprietor or Proprietors to the proposed Extension be obtained, and if such Consent be not intimated within Three Months the Proceedings shall terminate.

Sheriff may, on Objection of Proprietors, suspend Proceedings until their Consent be obtained.

If Proposal be rejected by Ratepayers, no Extension to be proposed for Two Years.

V. In the event of such proposed Extension being rejected, it shall not be competent for the Sheriff to call another Meeting for the Purpose of considering any proposed Extension of the Boundaries of the Burgh until after the Expiration of Two Years from and after the Date of the said first-mentioned Meeting.

Sheriff to direct a Scrutiny, if Ratepayers petition for one.

VI. Any three Ratepayers entitled to be present and to vote at any Meeting called under this Act may present to the Sheriff, within Ten Days after the Date of such Second Meeting, a Petition praying for a Scrutiny; and he shall thereupon, at the Expense of the Petitioners, direct a Scrutiny of the whole Votes to be taken in such Manner as he shall think fit, in order to ascertain whether the Majority of those entitled to vote and who have voted at the Meeting have approved or disapproved of the proposed Arrangement; and in the event of the Result of such Scrutiny being to prove to the Satisfaction of the Sheriff that the Majority of the Votes of those entitled to be present and vote was in Truth adverse to the Decision of the Meeting as authenticated by his Signature, the Sheriff shall reverse such Decision, and such Reversal being authenticated by the Subscription of the Sheriff shall have all the Effects which a Decision to that Effect would have had if declared at such Meeting: Provided always, that no such Reversal shall be competent after the Expiration of more than One Month from the Date of such Meeting.

Penalties for making false Representations as to voting.

VII. Any Person who shall falsely represent himself to be entitled to be present and to vote at any Meeting to be called under this Act, knowing himself not to be so entitled, and shall unlawfully attend and vote at such Meeting, shall be liable in a Penalty not exceeding Twenty Pounds, which may be summarily recovered before the Sheriff by any Person suing therefor, and which shall be disposed of as the Sheriff shall direct.

Persons incapacitated by Office not to be excluded from Register of Voters.

VIII. Whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty, Chapter Fifty-eight, intituled *An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in* Scotland, it is provided that the Register of Voters in any Burgh, as completed by the Court of Appeal in each Year, shall for all the Purposes of the Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the Act passed in the Second and Third Years of King *William* the Fourth, Chapter Sixty-five: And whereas Doubts have arisen whether Persons holding Offices which render them incapable to vote in the Election of a Member or Members of Parliament are entitled to be placed on the Register of Voters: Be it enacted, That nothing in the first-recited Act contained shall operate to exclude such Persons from the said Register: Provided always, that their being so placed on the said Register shall not enable them to do any Act from which they are by Law incapacitated.

Expenses of Meeting, how to be provided.

IX. The whole Expenses incurred in relation to the calling and holding of any Meeting or Scrutiny under this Act shall be borne and paid by the Persons signing the Petition to the Sheriff, and the Sheriff Clerk, before any such Meeting is called, may require the Petitioners to consign or find Security to his Satisfaction for such Sum as the Sheriff may think reasonable for that Purpose: Provided always, that in case the Boundaries of the Burgh shall be extended, the whole Expenses shall be ultimately defrayed from the Common Good or other Funds of the Burgh, or by means of an Assessment on the whole Ratepayers within the Extended Boundaries, which the Council of the Burgh is hereby empowered and, if necessary, directed to impose and levy, along with and in like Manner as the Prison Rate within such Burgh; and in either Case such Expenses may be recovered, together with the Costs of Suit, by the Disburser thereof, by summary Process before the Sheriff, whose Decision shall be final.

Interpretation of Terms.

X. The word "Ratepayer" shall mean and include every Person whose Name shall for the Time being appear as Proprietor or Tenant and Occupant of Lands and Heritages to the Value of Four Pounds or upwards on the Valuation Books of any County or Burgh, made up in Terms of an Act passed in the Seventeenth and Eighteenth Years of Her Majesty Queen *Victoria*, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; and the Word "Sheriff" shall include Sheriff Substitute.

17 & 18 Vict. c. 91.

CAP. LXXI.

An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland.—[25*th* August 1857.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to regulate Madhouses in* Scotland; and another Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for altering and amending an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled "An Act to regulate Madhouses in* Scotland;" and another Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her Majesty, intituled "*An Act to alter and amend certain Acts regulating Madhouses in* Scotland, *and to provide for the Custody of dangerous Lunatics;*" and it is expedient that the said recited Acts be repealed, and that more efficient Provision be made for the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

55 G. 3. c. 69.

9 G. 4. c. 34.

4 & 5 Vict. c. 60.

On Jan. 1, 1858, recited Acts repealed.

I. From and after the First Day of *January* One thousand eight hundred and fifty-eight, the recited Acts shall be and are hereby repealed.

Officers to continue till recalled, and Orders made under the repealed Acts to be good.

II. The Inspectors, Medical Officers, and all other Officers or Servants appointed under or in virtue of the recited Acts, or any of them, shall continue to discharge the Duties of their respective Offices until they shall be re-appointed, or superseded by the Appointment of other Persons, Officers, and Servants to discharge the Duties now performed by them: and all Licences heretofore granted under the recited Acts or any of them shall remain in force until the Expiration of the Periods for which they were respectively granted, or until they are revoked under the Powers of this Act; and all Orders, Matters, and Things granted, made, done, or directed to be done in pursuance of the recited Acts, or any of them, shall be and remain as good, valid, and effectual, to all Intents and Purposes, as if the said Acts had not been repealed, excepting in so far as such Orders, Matters, or Things are expressly made void or affected by this Act; and all Fees, Charges, Liabilities, and Expenses due, payable, or prestable under the said Acts, or any of them, shall be payable and prestable from the same Funds and Sources as would have been applicable to such Payments, and otherwise in the like Manner as if the said Acts had not been repealed.

Interpretation of Terms.

III. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Words "the Board" shall mean the Board to be appointed under the Authority of this Act for the Superintendence and Care of Asylums and Lunatics; the Words "Public Asylum" shall mean and include all such Hospitals, Madhouses, or Asylums as are or shall be established for the Custody of Lunatics by Act of Parliament or Royal Charter, or under any Deed or Mortification by which the Maker thereof has directed the Appropriation of Funds to the establishing and maintaining any Lunatic Asylum or Hospital, or any Establishment administering Funds for charitable Purposes, without any View to any pecuniary Gain or Profit arising to the Establishment or to the Estate or Funds of the Trust or Charity, and also all Hospitals, Madhouses, or Asylums, other than District Asylums, into which Lunatics committed by Order and Certificate, as herein-after provided, cannot be refused Access or Reception, without special Cause shown; the Words "Private Asylum" shall mean and include all such licensed Madhouses or Asylums as are established for the Reception of more than One Lunatic under the Provisions of this Act, and kept for the pecuniary

Gain or Profit of the Proprietors or Superintendents thereof or others interested therein, and into which the Admission of Lunatics is a Matter of Arrangement between the Superintendent thereof and the Party seeking or promoting the Reception of the Lunatic therein; the Words "District Asylum" shall mean an Asylum, in Terms of this Act, of One of the Districts described in the Schedule (H.) hereunto annexed; the Word "House" shall mean any House in which a single Lunatic is kept under an Order of the Sheriff; the Word "Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor, and all Persons having any pecuniary Interest therein or in the Profits to be derived therefrom; the Words "Medical Person" shall mean any Person being a Member or Licentiate of one or other of the Royal Colleges of Physicians or Surgeons in *Edinburgh* or *London*, or holding a Diploma from the Faculty of Physicians and Surgeons of *Glasgow*, or being a Fellow or Licentiate of the King and Queen's College of Physicians in *Dublin*, or of the College of Surgeons in *Dublin*, or holding the Degree of Doctor of Medicine from One of the Universities of *Scotland*, *England*, or *Ireland*, or having a Right to practise Medicine or Surgery from having served in the Army or Navy, and being in actual Practice as such Physician, Surgeon, or otherwise as aforesaid; the Word "Lunatic" shall mean and include any mad or furious or fatuous Person, or Person so diseased or affected in Mind as to render him unfit in the Opinion of competent Medical Persons to be at large, either as regards his own personal Safety and Conduct, or the Safety of the Persons and Property of others or of the Public; the Word "Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament; the Words "Magistrates of Burghs" shall include the Lord Provost, or Provost or Chief Magistrate, and the Magistrates and Council of Burghs; the Expression "Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein; the Word "Secretary" shall mean the Secretary to be appointed under this Act; the Expression "Judicial Factor" shall mean and include any Person having charge of Property of a Lunatic, whether as Judicial Factor, Factor Loco Tutoris, Factor Loco Absentis, Curator Bonis, or Tutor Dative, or by reason of Service as Tutor at Law, or as Curator; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include the Sheriff Substitutes; the Words "Sheriff Clerk" shall mean the Sheriff Clerk and Sheriff Clerk Depute of the County of which he is Sheriff Clerk, and shall include Steward Clerk and Steward Clerk Depute; the Word "Person" and the Word "Owner" shall extend to Trustees and to Bodies Politic or Corporate as well as to Individuals; and the Word "Month" shall mean Calendar Month.

Constitution of Board.

IV. There shall be constituted for the Purposes of this Act a Board to be called the General Board of Commissioners in Lunacy for *Scotland*, in manner following:—

1. Three Persons shall be appointed by Her Majesty. One of whom shall be an unpaid Commissioner and Chairman of the Board, and Two of whom shall be paid Commissioners, and shall receive such Salary, not exceeding One thousand two hundred Pounds each *per Annum*, as shall be fixed by the Commissioners of Her Majesty's Treasury:
2. It shall be lawful to Her Majesty as often as shall seem expedient, by Warrant, under the Hand of One of Her Majesty's Principal Secretaries of State, to appoint not more than Three Persons in all at One Time to be unpaid Commissioners in Lunacy for such Period as may be specified in such Warrant:
4. All Vacancies in the Board may be supplied in like Manner from Time to Time as they occur.

Meetings of the Board.

V. The Board shall have an Office at *Edinburgh* for the Transaction of their Business, and shall meet there, or at such temporary Place as shall be fixed for the Purpose, upon the First Day of *November* next, or upon the first convenient Day within Ten Days thereafter of which due Notice shall be given by the Secretary to each of the Members of the Board,, and shall thereafter hold Two General Meetings in each Year, One upon the First *Wednesday* in *March* and the other upon the First *Wednesday* in *November;* and at such First Meeting, and at all other Meetings of the Board, Three of the Members shall be a Quorum, with Power to act in all the Matters hereby committed to the Board; and the Board shall have Power to adjourn for such Time and to such Place as they shall see fit, and to hold Special or *pro re nata* Meetings, which may be called by the Secretary in such Manner as the Board shall direct; and at all Meetings of the Board the Chairman shall have both an original and a casting Vote.

Power to Board to name Committees.

VI. It shall be lawful to the Board, as often as they deem fit, to appoint any Two or more of their Number as a Committee for the Purposes of this Act, or for any Part of such Purposes as the Board may direct, and if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board; and such Committee shall report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the Board at its next General Statutory Meeting.

Commissioners before acting to take the following Oath.

VII. Every Commissioner shall, before he acts in the Execution of his Duty, take an Oath to the following Effect; (that is to say,)

'I *A.B.* do swear, That I will discreetly, impartially, and 'faithfully execute all the Trusts and Powers committed 'to me by virtue of an Act of Parliament passed in the Twenty-'first Year of the Reign of Her Majesty Queen Victoria, intituled '[*here insert the Title of this Act*], and that I will keep secret 'all such Matters as shall come to my Knowledge in the Exe-'cution of my Office, except when required to divulge the same 'by legal Authority, or so far as I shall feel myself called upon 'to do so for the better Execution of the Duty imposed upon 'me by the said Act.

'So help me GOD.'

Which Oath it shall be lawful for the Lord Justice General of *Scotland* to administer.

Commissioners not to derive Profit for discharging the Duties of their Office.

VIII. The Commissioners shall not derive any Profit or Emolument for the Discharge of the Duties of their Office, excepting as herein mentioned, nor shall they be personally responsible for anything done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers herein contained, and the Paid Commissioners shall devote their whole Time to the Duties of the said Office.

Powers of Commissioners.

IX. The Board, over and above the Powers hereby specially committed to them, shall have the Superintendence, Management, Direction, and Regulation of all Matters arising under this Act in relation to Lunatics, and to Public, Private, and District Asylums, and to every House in which a Lunatic is kept or detained under an Order of the Sheriff, as herein-after provided, and shall have the Power of granting or refusing Licences to the Proprietors of Private Asylums, and of renewing or transferring any such Licences, and of recalling or suspending the same; and it shall be lawful for the Board from Time to Time to make and establish such Rules and Regulations as they may deem necessary towards the good Order and Management of all Private and District Asylums, and the Conduct and Duties of the Superintendents, Officers, and Servants thereof, and of the Inspectors, Secretary, Clerk, Officers, and Servants appointed under the Authority of this Act, and to enforce such Rules and Regulations, by Forfeiture of the Licence of any Party not observing the same, and by Recovery of the Penalties authorized by this Act: Provided always, that all such Rules and Regulations shall, before being put into execution, be approved of by One of Her Majesty's Principal Secretaries of State, and such Rules and Regulations shall also be submitted to both Houses of Parliament, if Parliament be then sitting, and if Parliament be not sitting, then within Fourteen Days after the Meeting of the next Session of Parliament: Provided also, that nothing in this Act contained, unless where otherwise specially provided, shall be construed to extend to any Public Asylum existing or in course of Erection at the passing of this Act, further than to enable the Board to authorize and regulate the Inspection and Visitation of such Asylums, and to make and enforce such Rules and Regulations as they shall think necessary in relation to the Books or Minutes to be kept or made, and the Returns of the Entries therefrom to be made to the Board by the Persons having the management and Care of such Asylums.

Public Asylums founded after passing of this Act to be subject to it.

X. Provided further, That all such Public Asylums as may be endowed, founded, or established after the passing of this Act, and all Additions to any existing Public Asylum to be hereafter made, shall be under and subject to such and the like Powers and Provisions as existing Public Asylums are by this Act made subject to.

Commissioners may institute Inquiries, and summon Witnesses, and examine them on Oath.

XI. It shall be lawful for the Board to institute, in such Manner as they shall think fit, an Investigation or Inquiry into any Case falling under the Provisions of this Act which they shall think it necessary or proper to inquire into; and in any Case in which it shall be necessary to obtain Evidence, it shall be lawful for the Board, from Time to Time as they shall see Occasion, with the Concurrence of the Lord Advocate of *Scotland* for the Time being, or the Solicitor General for *Scotland* for the time being acting for and in the Name of the Lord Advocate, to require, by Summons, according to the Form, as nearly as may be, of Schedule (A.) hereunto annexed, and which Summons, as well as the Execution and Service Copy thereof, may be either printed or written, or partly printed and partly written, any Person to appear before them to testify on Oath touching any Matter respecting which they are by this Act authorized to inquire, which Oath the Chairman of the Board is hereby authorized to administer; and such Summons shall Contain a Warrant to Messengers at Arms and Sheriff Officers to serve the same; and it shall be lawful for any Messenger at Arms or Sheriff Officer to serve such Summons personally, or at the Dwelling Place of the Person named therein, in the same Form and Manner as Summonses and Citations may be served according to the Law of *Scotland;* and any Person who shall not appear before the Board pursuant to such Summons, or shall not assign some reasonable Excuse for not appearing, or shall appear and refuse to take the Oath or to be examined, shall, on being convicted thereof before the Sheriff, or before a Justice of the Peace of the County or Magistrate of the Burgh within which such Person has his ordinary Residence, or of the County or Burgh within which such Person shall have been by such Summons required to appear and give Evidence, for every such Neglect or Refusal forfeit a Sum not exceeding Thirty Pounds.

Payment of Expenses of Witnesses.

XII. It shall be lawful for the Board to direct the Secretary to pay to any Witness summoned as aforesaid the reasonable Expenses of his Appearance and Attendance in pursuance of such Summons, and the same shall be deemed to be Expenses incurred by the Board in the Execution of this Act, and be taken into account and paid accordingly.

Power to Her Majesty to appoint a Secretary.

XIII. It shall be lawful for Her Majesty to appoint a fit Person to be Secretary to the Board, to whom there shall be paid such Salary, not exceeding Five hundred Pounds *per Annum*, as shall be fixed by the Commissioners of Her Majesty's Treasury; and such Secretary, and every Secretary to be hereafter appointed, shall be removeable from his Office by Her Majesty, on the Application of the Board; and upon the Death, Resignation, or Removal of any such Secretary, Her Majesty, and Her Heirs and Successors, shall appoint a Secretary in the Room of the Secretary so dying, resigning, or being removed; and the Secretary shall perform such Duties in the Execution of this Act as the Board shall direct, and shall in all respects be subject to the Inspection, Direction, and Control of the Board; and each Secretary shall find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Secretary to make annual Returns.

XIV. The Secretary shall annually transmit to the Commissioners of Her Majesty's Treasury, and there shall be annually laid before both Houses of Parliament, a Return exhibiting the Number of Orders granted by the Sheriffs for Admission of Lunatics into any Public, Private, or District Asylum or House, stating the Asylum or House to which such Order was sent, also the Number of Licences granted by the Board for the Continuance, Establishment, or Renewal of Private Asylums, and the Transfer of any such Licence from any one Asylum to another, and describing such Public, Private, and District Asylums by their respective Localities, and stating the Names of the Superintendents of each Asylum, and showing also the Number of Patients, Male and Female, received into and discharged from each Asylum, or removed or transferred from any one House to another, classifying those discharged into Three Divisions of

"Cured," "Relieved," and "Unaffected by Treatment," during the preceding Year.

Secretary to keep Books, Minutes, and Accounts, and Accounts to be annually furnished to the Commissioners of the Treasury, &c.

XV. The Secretary shall, under the Directions of the Board, keep regular Books and Minutes of all the Proceedings of the Board, and accurate Accounts of all Monies received and paid by the Board or Secretary, and of all Charges and Expenses incurred under or by virtue of or in the Execution of this Act; and such Account shall be made up to the First Day of *August* in each Year, and shall be signed by the Chairman of the Board and by One of the paid Commissioners, and shall specify the several Heads of Charge and Expenditure, and be transmitted to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such Account, and may, if they shall deem it expedient, and where not inconsistent with any other Provision of this Act, direct the Balance if any to be paid into the Exchequer to the Account of the Consolidated Fund; and an Abstract of such Accounts shall be laid before Parliament on or before the Twenty-fifth Day of *March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Month after the next Sitting of Parliament.

Power to Board to appoint a Clerk.

XVI. It shall be lawful for the Board to Appoint a Clerk, to whom there shall be paid a Salary not exceeding One hundred and fifty pounds *per Annum*, and such Clerk shall be removable from his Office by the Board; and upon the Death, Resignation, or Removal of any such Clerk the Board shall appoint a Clerk in his Room; and every such Clerk shall perform such Duties in the Execution of this Act as the Board shall require of him, and shall, in the Performance of his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Board; and each Clerk shall, when so required by the Board, find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Duties of Commissioners.

XVII. The Board shall, as soon after their First Meeting as may be convenient, make General Rules for the Inspection and Visitation of Public, Private, and District Asylums; and it shall be the Duty of the Two paid Commissioners to visit and inspect, at least Twice in each Year, all the Public and Private and District Asylums, and every Outhouse, Place, or Building thereto belonging, and every House in which any Lunatic is detained under any Order of a Sheriff; and at each such Visitation they shall examine and inquire into the Condition of the Lunatics then confined in such Asylum or House, and also whether any Coercion or Restraint has been imposed on any such Lunatics, and shall record in the Patients Book of such Asylum the State of the Health generally, as well mental as bodily, of such Lunatics, and what Coercion or Restraint has been imposed upon any such Lunatics, and the Cause thereof, and specially such particular Cases as may appear to them to require Remark, and they shall also inquire into the Particulars of the Management and the Condition of each Asylum, as to its State of Repair, Heating, Ventilation, Cleanliness, Supply of Water, Diet, and otherwise, and shall see that the Number of Patients, of whom a correct List shall be furnished to them by the Superintendent of each Asylum, does not exceed the Number for which the Asylum is licensed, and that the Books or Registers hereby directed to be kept in each Asylum are regularly and correctly kept; and each Individual in the Management of any such Asylum or House, or connected therewith, shall disclose to the said Commissioners or either of them every Particular in relation to the keeping and Management thereof, and the Care of the Lunatics therein, into which they shall think fit to inquire; and the said Commissioners shall record in a Book to be kept by them all Inspections, stated and occasional, made by them, and the Particulars thereof, and shall communicate the same from Time to Time to the Board, for their Information; and, in addition to the stated Inspections before mentioned, the said Commissioners shall on all Occasions make any particular Visitation or Inquiry which they may think fit into the Condition of any Public, Private, or District Asylum or House, or any special Circumstance therewith connected, and shall also be entitled, by Night or by Day, to visit any such Asylum or House, and to report to the Board the Condition thereof; and a Copy of all Entries of the said paid Commissioners, of the Sheriff and Justices of the Peace, and of the Medical Inspectors herein-after appointed under this Act, in the Patients Book of such Asylum, shall be transmitted to the Board by the Superintendent of such Asylum within Eight Days after such Entries respectively are made, under a Penalty not exceeding Ten Pounds for each Offence in case of Failure.

Commissioners to visit Lunatics in Prisons.

XVIII. The Commissioners shall and may, once or oftener in each Year, on such Day or Days, and at such Hours in the Day or Night, and for such Length of Time as they shall think fit, visit any Prison in which there shall be, or be alleged or supposed to be, any Lunatic, and shall make all such Inquiries as to the Lunatics in such Prison as they shall deem proper, or as the Board may direct.

Commissioners to visit Poorhouses.

XIX. The Commissioners shall and may, on such Day or Days, and at such Hours in the Day or Night, and for such Length of Time as they shall think fit, visit all Poorhouses in which there shall be, or be alleged or supposed to be, any Lunatic, and shall inquire whether the Provisions of the Law as to Lunatics have been carried out in the Parish in which any such

Poorhouse shall be situate, and also as to the Dietary, Accommodation, and Treatment of the Lunatics in each such Poorhouse, and shall report in Writing thereon to the Board.

Commissioners may take Assistance of Medical Persons.

XX. It shall be lawful for the Board, where they shall deem it necessary for the beneficial Execution of the Purposes of this Act, to take the Assistance of such Medical Persons as may be required, and the Expense attending such Assistance shall be defrayed in the Manner in which the Allowance of Medical Persons to be employed by the Board and the Sheriff are hereinafter directed to be defrayed.

Secretary of State may appoint One or Two Medical Persons to be Deputy Commissioners.

XXI. If it shall appear to One of Her Majesty's Principal Secretaries of State to be necessary for the Discharge of the Duties imposed by this Act, he shall have Power to appoint, for such Period as he shall think fit, One or more Medical Persons, not exceeding Two in all, to be Deputy Commissioners under this Act, and shall take the Oath prescribed to be taken by the Commissioners, and such Deputy Commissioners shall have such of the Powers of the Commissioners, and shall perform such Duties, as the Board may direct; and such Deputy Commissioners shall receive a Salary not exceeding Five hundred Pounds *per Annum* each, to be paid in like Manner, and out of the like Fund, as the other Salaries payable under this Act; provided always, that no such Appointment shall subsist after the Expiration of Five Years from the passing of this Act.

Board to cease after Five Years, and the paid Commissioners to be the Inspectors General in Lunacy.

XXII. The General Board of Commissioners in Lunacy for *Scotland* appointed by this Act shall exist for Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and no longer; and from and after the Expiration of said Period of Five Years the Two paid Commissioners then acting under this Act shall become Inspectors General in Lunacy for *Scotland*, subject to the Orders and Direction of One of Her Majesty's Principal Secretaries of State; and the said Inspectors General shall have all the like Powers and Duties of Visitation and Inspection of Public, Private, and District Asylums, and Houses in Terms of this Act, and of Prisons and Poorhouses, and generally of all Houses and Places in which any Lunatic is kept, which are by this Act conferred upon the Board, and shall do and perform all Duties in connexion with the Objects of this Act which may be prescribed to them from Time to Time by such Secretary of State, and all Notices required by this Act to be given to the Board or to the paid Commissioners shall thenceforward be given to the said Inspectors General, and they shall be paid for the Performance of their said Office of Inspectors General under this Act such Salary not exceeding One thousand Pounds *per Annum* as shall be fixed by the Commissioners of Her Majesty's Treasury; and on the

Occurrence of any Vacancy in any such Office of Inspector General the same shall be filled up by Her Majesty and Her Heirs and Successors; and every such Inspector General so to be appointed shall take such Oath as is by this Act directed to be taken by the Commissioners under this Act, which Oath it shall be lawful for the Lord Justice General of *Scotland* to administer.

After Five Years Secretary of State may empower the Inspector General to exercise Powers of Board.

XXIII. From and after the Expiration of the said Period of Five Years it shall be lawful to One of Her Majesty's Principal Secretaries of State from Time to Time to empower the Inspectors General to exercise, in any Case in which he shall consider it necessary, the Powers of the Board in regard to enforcing any General Regulations made by the Board, or in regard to providing the requisite Accommodation for Lunatics in any District, or in regard to the Citation and Examination of Witnesses, and generally any of the special Powers of the Board which the Circumstances of the particular Case may seem to require; and from and after the same Period of Five Years the Power of granting Licences under this Act shall be vested in the Sheriff, who shall exercise all the Powers of the Board in that Matter: Provided always, that no Licence shall be granted without a Certificate from the Inspectors General that it should be granted, and no Licence shall be continued if the Inspectors General report to the Sheriff that it ought to be discontinued; and the Sheriff Clerk shall receive and account in Exchequer for all the Fees and Duties herein-before provided in respect of Licences.

Oath to be taken by Officers before acting.

XXIV. Every Person appointed to be Secretary, Clerk, or Medical or District Inspector under this Act shall, before he acts in the Execution of his Duty as such Secretary, Clerk, or Inspector, take an Oath to the following Effect; (that is to say),

'I *A.B.* do swear, That I will faithfully execute all such Trusts
'and Duties as shall be committed to my Charge as Secre-
'tary [*or* as Clerk, *or* as Medical *or* District Inspector, *as the*
'*Case may be,*] to the Board of Lunacy for Scotland, and that
'I will keep secret all such Matters as shall come to my Know-
'ledge in the Execution of the Duties of the said Office (except
'when required by legal Authority to divulge the same).
'So help me GOD.'

And which Oath it shall be lawful for the Chairman of the Board to administer.

Sheriff to visit and inspect Asylums.

XXV. It shall be lawful for the Sheriff at all Times to visit and inspect, either alone or with some Medical Person, every Public, Private, and District Asylum and House within his Jurisdiction in which any Lunatic is kept or detained under any Order of the Sheriff, and to institute Inquiry into the Care and Management of such Asylums and Houses, and into the Conduct of the Superintendents, Medical Persons, Officers, and Servants therein or connected therewith, and he shall insert in the Patient Book of such Asylum or House any Observations which he may deem necessary.

Justices of the Peace to visit and inspect Asylums.

XXVI. It shall be lawful for the Justices of the Peace of every County to appoint, at a Quarter Sessions of the Peace to be held annually on the same Day on which the *Michaelmas* Meeting of the Commissioners of Supply takes place, any Three of their Number to visit and inspect any Public, Private, or District Asylum situated in such County, and insert in the Patients Book of such Asylum such Observations as they may deem necessary.

Licences for Private Asylums, and Orders, and Certificates.

And with respect to the licensing of Private Asylums, and to Orders for the Reception of Lunatics, and Medical Certificates, under this Act, be it enacted:

On Application for Licence, Plan of the House to be exhibited.

XXVII. All Private Asylums shall be licensed by the Board, such Licences being granted to the Superintendent of the Asylum; and all Applications for Licences to keep Private Asylums, and Applications for Leave to transfer any Licence from any one House or Asylum to another, shall be made to the Board; and with the Application there shall be laid before them a Statement of the Name and Qualification of the Superintendent, with a Plan, upon such Scale as the Board shall direct, of any House used or proposed to be used as a Private Asylum, showing accurately the Number and Dimensions of the Apartments, and Offices, and Airing Places, and the Courts, Gardens, and other Accommodations, with a Statement as to the Supply of Water, and all further Particulars which the Board may require to be communicated; and such Application shall state also the greatest Number of Lunatics of each Sex proposed to be received into such House; and if any Alteration shall at any Time be made on any such House and Premises between the first granting of any Licence for the same and the subsequent Renewals of such Licence, such Alterations shall be fully and distinctly stated and exhibited upon a Plan when the Application for the Renewal is made.

Licences to be granted by the Board according to Form in Sched. (B.)

XXVIII. Every Licence to be granted by the Board shall be according to the Form in the Schedule (B.) hereunto annexed, or as near thereto as conveniently may be, and shall bear a Stamp denoting a Duty of Ten Shillings, and shall be granted for such Period, not exceeding Thirteen Months, as the Board shall think fit; and for every Licence to be so granted (exclusive of the Sum to be paid for the Stamp) there shall be paid to the Secretary the Sum of Ten Shillings and no more for every Patient, not being a Pauper, and the Sum of Two Shillings and Sixpence and no more for every Patient, being a Pauper, proposed to be received into such House, and if the total Amount of such Sums payable to the Secretary shall not amount to the Sum of Fifteen Pounds, then so much more for each Patient in proportion to the above Charges of Ten Shillings and Two Shillings and Sixpence as will make up the Sum of Fifteen Pounds; and no such Licence shall be delivered until the Sum of Fifteen Pounds at least shall be paid for the same: Provided always, that if the Period for which the Licence is granted shall be less than Thirteen Months, it shall be lawful for the Board to reduce the Payment proportionably as they shall think just, and the said Duty of Ten Shillings shall be under the Care and Management of the Commissioners of Inland Revenue, and be subject to all the Rules and Regulations applicable to Stamp Duties.

In case of Refusal to renew Licence, existing Licence may be continued for a Time.

XXIX. In any Case in which the Board shall refuse to grant Renewal of a Licence, the Board may continue, without any further Payment, such existing Licence for a Period not exceeding Three Months from the Date at which the same would expire; and during the Period of such Continuation the Asylum in respect of which the Application is made, and the Superintendent, Medical Persons, Officers, and Servants thereof, shall be under and subject to all the Regulations imposed upon such Asylums by this Act in the same Manner as if the existing Licence had been renewed.

Licence and Patients may be transferred.

XXX. If any Person to whom any Licence shall have been granted under this or the said recited Acts shall become incapable of keeping, or be desirous to discontinue keeping, the Asylum in respect of which such Licence was granted, or shall die, it shall be lawful to the Board, on Application to that Effect, to transfer such Licence, if the Board shall think fit, for the Term then unexpired of such Licence, to such Person as the Board shall in Writing approve, and such Licence shall be held to be unexpired and good and efficient from its original Date; and in case of a Licence granted to Two or more Persons, such Licence, in the event of the Death of any One or more of such Persons, shall, subject to the Provisions of this Act, remain in force to the Survivors or Survivor of such Persons until the Expiration thereof.

Sums to be paid for Orders of Admission to Public Asylums.

XXXI. For every Order to be granted by the Sheriff for the Admission of a Patient, not being a Pauper, into any Public Asylum, there shall be paid for the general Purposes of this Act the Sum of Five Shillings; and for every such Order for the Admission of a Pauper Patient there shall be paid for the like Purpose the Sum of Two Shillings and Sixpence; and such Sums shall be paid to the Sheriff Clerk, and shall, from

Time to Time as the Board shall direct, be remitted by the Sheriff Clerk to the Secretary; and every Sheriff Clerk failing to make such Remittance shall be subject to a Penalty not exceeding Ten Pounds for each Offence.

Monies received for Licences, &c. to be applied in Payment of Salaries and other Expenses of Act.

XXXII. All Monies received for Licences, and for Orders of Admission, and for Searches to be made in pursuance of this Act, as after mentioned, shall be retained by the Secretary, and be applied by him in or towards defraying the Salaries and also the travelling and other reasonable Expenses of the Commissioners, and the Salaries and Allowances of the Secretary and Clerk, and of the Inspectors and Medical Persons employed by the Board or by the Sheriff in examining and visiting Lunatics, or Persons supposed to be Lunatics, as well before as after their Detention, and the Expenses attending the same, and the Expense of providing a Place for the Office of the Board, and for the necessary Accommodation of them, and the Secretary, Officers, and Servants of the Establishment, and also Stationery, Postages, and other Office Expenses; and in the event of there being in any Year any Surplus of such Monies, after providing for the Salaries and Expenses aforesaid, such Surplus shall be paid to and divided among the District Boards, for the Purposes of this Act, in the Proportion of the Sums raised by each such District Board for the Purposes of this Act in the Year in which such Surplus arises; and all Monies payable and that shall be paid under this Act to the Board or the Secretary shall be lodged in an Account to be opened in one of the Banks of Issue in *Scotland*, and the Payments thereout shall be made by Orders which shall be signed by the Board: provided that the Accounts for all such Expenditure shall be audited, passed, and authenticated as the Board may direct.

Balance of Payments over Receipts may be paid out of Monies to be voted by Parliament.

XXXIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby directed and empowered, from Time to Time, on Application to them by the Board, to cause to be issued and paid to the Secretary, out of Monies to be voted for that Purpose by Parliament, such a Sum of Money as the Board shall in such Application have certified to be requisite to pay and discharge so much of the Salaries, Costs, Charges, and Expenses herein-before directed to be paid out of the Monies received for Licences, and otherwise as aforesaid, as such Monies shall in each or any Year be inadequate to pay, and the Secretary shall thereupon apply such Money, under the Directions of the Board, in or towards the Payment or Discharge of such Salaries, Costs, Charges, and Expenses respectively; and it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, on the Recommendation of the Board, to advance by way of Imprest to the

Secretary such Sum or Sums of Money as to such Commissioners of Her Majesty's Treasury may appear requisite and reasonable for or towards the Payment or Discharge of all or any such Salaries, Costs, Charges, or Expenses as aforesaid, such Sum or Sums to be accounted for in the then next Account to be furnished to the said Commissioners of Her Majesty's Treasury under this Act.

Lunatic to be admitted by Order of Sheriff, and on Medical Certificates.

XXXIV. It shall be lawful for the Sheriff to grant Orders for the Reception of Lunatics into any Public, Private, or District Asylum or House in Terms of this Act; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) hereunto annexed, and also accompanied by Certificates in the Form of Schedule (D.) hereunto annexed, bearing Date within Fourteen clear Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, one of whom may be the Medical Superintendent or Consulting Physician of a Public or District Asylum; and such Orders shall be in the Form of Schedule (E.) hereunto annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within Fourteen Days prior to the Reception of such Lunatic, or, if such Order be granted by the Sheriff of *Orkney* and *Shetland*, within Twenty-one Days prior thereto; provided that the Superintendent of any such Public, Private, or District Asylum or House may receive and detain therein, for any Period not exceeding Twenty-four Hours, any Person as a Lunatic whose Case is duly certified by One Medical Person to be a Case of Emergency.

Medical Certificate to specify Facts on which Opinion of Insanity has been formed.

XXXV. Every Medical Person signing any Certificate under or for the Purposes of this Act shall specify therein the Facts upon which he has formed his Opinion that the Person to whom such Certificate relates is an insane Person, an Idiot, or a Person of unsound Mind, and distinguish in such Certificate Facts observed by himself from Facts communicated to him by others; and no Person shall be received into any Asylum or House in Terms of this Act under any Certificate which purports to be founded only upon Facts communicated by others.

Orders and Medical Certificates may be amended.

XXXVI. If, after the Reception of any Lunatic, it appear that any Order or Medical Certificate upon which he was received is in any respect incorrect or defective, such Order or Medical Certificate may be amended by the Person signing the same, at any Time within Fourteen Days after the Reception of such Lunatic; provided nevertheless, that no such Amendment shall have any Force or Effect unless the same shall receive the Sanction of the Board.

Copies of Orders, Medical Certificates, &c., to be sent to the Board.

XXXVII. The Superintendent of every Public, Private, or District Asylum or House in Terms of this Act shall, after Two clear Days and before the Expiration of Fourteen clear Days from the Day on which any Patient shall have been received, transmit to the Board, along with a Copy of the Order, and Medical Certificates, and Petition and Statement accompanying the same, on which such Person shall have been received, a Notice of such Admission, and a Report, signed by the Medical Attendant of such Asylum, or by the Medical Attendant of the Lunatic in such House, according to the Form in Schedule (F.) hereunto annexed; and every Superintendent of any such Asylum or House who shall neglect to transmit as aforesaid such Copy, Notice, and Report shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds; and the Sheriff Clerk shall, within Seven Days after any such Order shall have been granted, send to the Board a Notice, stating the Party by whom the Application was made, and the Party to whom the Order applied, the Medical Persons granting the Certificates, the Sheriff by whom the Order was granted, and the Asylum or House to which it was addressed; and any Sheriff Clerk failing to send such Notice within such Time shall for every such Neglect forfeit a Sum not exceeding Ten Pounds.

No Certificate to be granted without Examination.

XXXVIII. If any Person shall grant any such Certificate or Statement as aforesaid without having seen and carefully examined the Person to whom it relates, at the Time and in the Manner specified in such Certificate, with a view to ascertain the Condition of such Person to the best of his Knowledge and Power, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Fifty Pounds; and if any Person shall wilfully and falsely grant any such Certificate to the Effect of any Person being a Lunatic, the Person so granting such Certificate shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Three hundred Pounds, or be liable to Imprisonment for any Period not exceeding Twelve Months.

Penalty on granting false Certificate.

Penalty for receiving Lunatics in unlicensed Houses or without the required Order.

XXXIX. Any Person who shall be convicted of receiving, concealing, detaining, or harbouring any Lunatic, or any Person as such, in any Asylum or House kept for the Reception and Care of Lunatics requiring to be licensed in Terms of this Act, but which shall not be so licensed, and any Person who shall be convicted of sending or delivering any Lunatic, or Person as such, for Custody in any such Asylum or House, knowing the same not to be so licensed, and any Person who shall be convicted of receiving, detaining, or harbouring any Lunatic, or Person as such, in any Public or Private or District Asylum or House, without an Order, where such Order is by this Act required, or notwithstanding an Order to liberate in Terms of this Act, and any Person who shall be convicted of sending or delivering any Lunatic, or any Person as such, for Custody in any Public, Private, or District Asylum or House, without an Order, where such Order is by this Act required, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Space not exceeding Twelve Months.

Board may grant an Order for Search of Records as to whether any particular Person has been confined as a Lunatic within Twelve Months.

XL. If any Person shall apply to the Board in order to be informed whether any particular Person is confined in any Asylum or House by this Act made subject to the Visitation of the Board, the Board, if they shall think it reasonable to permit such Inquiry to be made, shall issue an Order to the Secretary, and the Secretary shall, on Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings, (to be applied for the Purposes of this Act), make search amongst the Returns made in pursuance of this Act, whether the Person inquired after is or has been within the last Twelve Calendar Months confined in any such Asylum or House; and if it shall appear that such Person is or has been so confined, the Secretary shall deliver to the Person so applying a Statement in Writing specifying the Situation of the Asylum or House in which the Person so inquired after appears to be or to have been confined, and also (so far as the Secretary can ascertain from any Register or Return in his Possession) the Name of the Superintendent or Principal Officer of such Asylum or House, and the Date of the Admission of such Person into such Asylum or House, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

As to Lunatic received into any Private House.

XLI. No Person shall receive or keep any One Lunatic, or Person alleged to be a Lunatic, in any Private House in which not more than One Lunatic is kept, without the like Order by the Sheriff and Medical Certificates as are required in respect of the Reception of a Lunatic into a Private Asylum, unless such House shall be the Dwelling Place or temporary Private Lodging of such Lunatic; and any Person who shall so receive any Lunatic shall, within Seven clear Days thereafter, transmit to the Board a Copy of the Order and Medical Certificates, and Petition and Statement accompanying the same, on which such Lunatic shall have been received, stating the Date of Reception, the Situation of the House, and the Christian Name and Surname of the Owner and Occupier thereof and of the Medical

Person

Person attending upon such Patient, and shall also upon the First Day of *January* in every Year, or within Seven Days thereafter, transmit to the Board a Certificate, signed by a Medical Person, describing the State of the Health, mental and bodily, of the Lunatic; and every such Lunatic shall be visited at least once in every Fortnight, unless the Board shall otherwise regulate such Visits, by a Medical Person, who shall enter in a Book to be kept at such House the Date of each Visit, and the Condition of the mental and bodily Health of the Lunatic at each such Visit; and it shall be in the Power of the Board to order such Inspection and Visitation of every such House from Time to Time as to them shall seem proper; provided that this Enactment shall not apply to any Case where the Party so received and kept has been sent to any such House for the Purpose of temporary Residence only, not exceeding Six Months, and under the Certificate of a Medical Person, which Certificate shall be in the Form of Schedule (G.) hereunto annexed; and every Person who shall receive and keep in any unlicensed House, excepting as before mentioned, any Lunatic, or Person alleged to be a Lunatic, without such Order and Medical Certificates, or who, having so received and kept such Lunatic, shall not transmit to the Board such Copies and Statements as aforesaid, or shall fail to cause or permit such Lunatic to be visited as aforesaid and such Book to be kept, and every Medical Person who shall knowingly make a false Entry in such Book, shall severally be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds, or be liable to be imprisoned for any Period not exceeding Three Months.

House where Lunatic detained under Order of the Sheriff may be visited by the Board.

XLII. It shall be in the Power of the Board to order such Visitation and Inspection as they may deem proper of every House in which any Lunatic is detained by Order of the Sheriff, though not a Public, Private, or District Asylum, and, if the Board shall see Cause, by reason of improper Treatment of such Lunatic, to transfer such Lunatic to any other such House, or to any Public, Private, or District Asylum, as may be deemed most expedient; and the expense of maintaining such Lunatic in such other House, or Public, Private, or District Asylum, shall be chargeable on the Property of such Lunatic, (if he any have), or on the Party or Parish legally bound for his Maintenance and Support.

Board may order Examination of Lunatics in Private Houses.

XLIII. If any Occupier or Inmate of any Private House shall keep or detain therein, without an Order by the Sheriff, any Person as a Lunatic, although One of the Family or a Relative of such Occupier or Inmate, beyond the Period of a Year after the Malady becoming apparent and confirmed, and where it has been such as to require during any Part of such Period Coercion or Restraint, such Occupier or Inmate, or the Medical Person attending such Lunatic or Person so detained, shall intimate such Detention to the Board, and shall transmit to the Board a written Certificate, signed by One Medical Person, of the Condition of the Person so detained, and shall state to the Board the Reasons which render it desirable that such Person should remain under Private Care; and if the Board shall have reason to believe or suspect that any Lunatic, or any Person treated as a Lunatic, of whose Condition no such Intimation shall have been made, is detained or kept or is dwelling in any Private House, and that the Malady of such Person has endured for any Period beyond a Year after the same has become apparent and confirmed, and is such as to have required Coercion or Restraint, or if such Intimation shall have been made, and the Reasons stated appear to the Board to be insufficient, and they shall be of opinion that it is necessary that Inquiry should be made into the Case, they shall apply to the Sheriff, who shall have Power to make such Inquiry as he thinks fit; and if upon such Inquiry it shall appear that such Person is a Lunatic, and has been so for a Space exceeding a Year after the Malady shall have become apparent and confirmed, and such as to have required Coercion or Restraint, and that there are Circumstances rendering the Removal of such Lunatic to the Care of an Asylum necessary or expedient, it shall be lawful for the Sheriff to grant Warrant for the Removal of such Lunatic to an Asylum, and the Order of the Sheriff shall be sufficient Authority to the Proprietor or the Keeper of any Public or other Asylum to which the Lunatic shall be sent to receive and detain such Lunatic accordingly; and any Person who shall, in the contrary hereof, keep, harbour, or conceal, or be aiding in the keeping, harbouring, or concealing of any Person as a Lunatic, without such Intimation thereof to the Board as aforesaid, or otherwise than under the Authority of this Act, and any Medical Person attending on such Person confined as a Lunatic beyond such Period who shall wilfully neglect to disclose the Condition of such Person so confined to the Board, shall severally be guilty of an Offence, and shall for every such Offence be liable in a penalty not exceeding Two Hundred Pounds, or to be imprisoned for any Period not exceeding Three Months.

Patients may be transferred.

XLIV. If the Superintendent of any Asylum shall have obtained Leave to transfer the Licence granted to such Superintendent from one House or Building to another House or Building, and shall be desirous on that Account, or for other good Cause, to be submitted to the Board, and of which they shall judge, to transfer the Patients under the Care of such Superintendent to such other House or Building, and shall make Application to the Board to that Effect, it shall be lawful for the Board on being satisfied that due Notice has been given of such Application to the Persons respectively on whose Application the several Patients proposed to be transferred were confined, to grant written Authority for the Transfer of such Patients accordingly, without any new or additional Order from the Sheriff, or new or additional Medical Certificates; and such Superintendent shall, within Eight Days after such Transfer, transmit to the Commissioner a List of the Patients transferred, and in case of Failure so to do shall be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds.

Medical Attendance upon Asylums.

XLV. In every Asylum licensed for One hundred Patients or more there shall be a Medical Person resident therein as the Medical Attendant thereof; and every Asylum licensed for more than Fifty and less than One hundred Patients, in case there shall be no resident Medical Person therein, shall be visited daily by a Medical Person; and every such Asylum licensed for Fifty or less than Fifty Patients, in case there shall be no resident Medical Person therein, shall be visited at least twice in every Week by a Medical Person: Provided always, that it shall be lawful for the Board to decide that any Asylum shall be visited by a Medical Person at any other Times not being oftener than once a Day; provided also, that the Board shall be entitled, if they shall see Cause, to require that a resident Medical Person shall be appointed to any Asylum licensed for more than Fifty Patients.

Board, where Licence is for less than 11 Persons, may lessen the Number of Medical Visits.

XLVI. Provided further, That where any Asylum is licensed to receive less than Eleven Lunatics, it shall be lawful for the Board, by written Authority, to permit that such House shall be visited by a Medical Person at such Intervals, more distant than twice in every Week, as the Board shall appoint, but not at a greater Interval than once in every Two Weeks.

Access of Friends and others to Lunatics.

And with respect to the Access of Friends and others to Lunatics, be it enacted:

Power to Ministers and Friends of Patients to visit them, subject to

XLVII. The Minister of any Parish wherein any Public, Private, or District Asylum or House in Terms of this Act is situated, or the Minister of the Congregation of any Denomination of Christians to which any Patient detained in any such Asylum or House belongs, or any Relative of any such Patient, or when such Patient is a Pauper, any Member of the Parochial Board liable to maintain such Patient, shall, subject to such general Conditions or Regulations as the Superintendent and Medical Attendant of such Asylum or House may, with the

Sanction of the Board, think it proper to impose, have Liberty to visit any Patient in any such Asylum or House: Provided always, that such Superintendent and Medical Attendant may, where any special Circumstances of the Case may render it proper and expedient, refuse to admit such Minister, Relative, or other Person, or may accompany the Permission to visit any Patient with such Conditions and Regulations as the Circumstances may require; provided that in every such Case where such Refusal is complained of by the Person or Persons interested, he shall intimate such Refusal, and the Grounds of it, to the Board; and the Decision of the Board therein, after Consideration of the Matter, shall be final and conclusive; and an Entry of every such Refusal, and of the Proceedings had thereon, shall be forthwith made in the Register of such Asylum or House; and a Copy of every such Entry shall, within Two Days after the same is made, be transmitted to the Board.

Regulations of Asylum.

Power to Board to grant Orders for Access to Patients.

XLVIII. It shall be lawful for the Board at any Time to give an Order in Writing for the Admission to any Patient confined in any House or Asylum of any Relation or Friend of such Patient (or of any Medical or other Person whom any Relation or Friend of such Patient shall desire to be admitted to him), and such Order of Admission may be either for a single Admission, or for an Admission for any limited Number of Times, or for Admission generally at all reasonable Times, and either with or without any Restriction as to such Admission or Admissions being in the Presence of a Keeper or not, or otherwise; and if the Superintendent or Keeper of any such Asylum or House shall refuse Admission to or shall prevent or obstruct the Admission to any Patient of any Relation, Friend, or other Person, who shall produce such Order of Admission as aforesaid, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds.

District Asylums.

And with respect to District Asylums, be it enacted:

Districts fixed.

XLIX. With a view to the Erection of Asylums for the Reception and Care of Pauper Lunatics, and for the Purposes of this Act, *Scotland* shall be divided into such Districts or Divisions as are set forth and described in the Schedule (H.) hereunto annexed: Provided always, that the Board shall have the Power, on the Application of the Prison Board of any County interested, to alter or vary the said Districts, either by combining Counties or Parts of Counties, or dividing Counties, or otherwise, as they may think fit.

District Boards to be appointed.

L. Within Six Months after the passing of this Act, and thereafter at the First Meeting of the Prison Board in each Year, there shall be chosen, for each District respectively, out of the Commissioners of Supply and Magistrates of Burghs in each County respectively by the Members of the County Prison Boards of the Counties included in such District acting under the Act of the Second and Third of Her Majesty, Chapter Forty-two, a Board, to be called "The District Board," the Number of the Members whereof shall be fixed by the Board, who shall also fix the Number of the Members of each District Board to be elected by each County Prison Board respectively, and such Number shall be proportioned as nearly as may be to the real Rent of the Property situated in each County, as the same is directed to be ascertained and estimated, according to the real annual Value thereof in reference to the Assessments authorized to be levied under the said last-mentioned Act; and in the event of the Decease, or permanent Absence or Incapacity, of any of the Members of the District Board, the Vacancy thereby occasioned shall be filled up at the First Meeting after the Occurrence of such Vacancy of the County Prison Board of the County from which the Member occasioning such Vacancy was elected; and such District Board shall meet at such Times and Places as shall be fixed by the Board from Time to Time, and shall have Power to adjourn, and also appoint Committees of their Number, to whom may be delegated all or any Part of the Powers hereby committed to such District Boards; provided always, that the Meetings of such District Board shall be called and conducted in all respects as Meetings of a Prison Board are in use to be called and conducted.

2 & 3 Vict., c. 42.

Board to inquire into the Necessities of the Districts, and require Asylums to be provided.

LI. The Board shall, as soon as may be, make Investigation into the Population and Necessities, as regards Accommodation for the Pauper Lunatics, of the several Districts hereby established, and into the Accommodation for the Care of such Pauper Lunatics (if any) already existing for such Districts; and upon Consideration of the Result of such Investigation it shall be lawful for the Board to determine, either that the existing Accommodation for the District, with or without additional Accommodation, is sufficient, or that a District Asylum for Pauper Lunatics shall be provided for the District, and the Board shall communicate the Result of such Investigation to the District Board of such District, and may require the District Board to order Plans of the District Asylum to be prepared, together with Specifications and Estimates of the probable Expense of erecting and completing the same, or of altering or enlarging and adapting any existing Asylum, House, or Accommodation to the Purposes of a District Asylum under this Act, and to report the same, and also their Opinion of an eligible Site for such District Asylum, where a new one is to be provided, to the Board.

LII. If

Board to require the District Boards to provide District Asylums.

LII. If and when the Board shall have approved of the Plan, Specification, Estimate, and Site proposed in the Report to be so made by the District Board, it shall be lawful for them to require the District Board, as soon as practicable thereafter, and within a Period not exceeding Two Years after being so required by the Board in Writing, to erect and provide a suitable District Asylum, with all the Accommodation, Upfitting, and Furniture necessary for the Reception, Confinement, and Care therein of the Pauper Lunatics of the District; and all the Powers and Provisions of the said last-mentioned Act relative to acquiring and holding Lands and Heritages shall be applicable to and be construed along with and as Part of this Act, and shall be of the like Force and Effect for enabling the District Board to acquire and hold Lands and Heritages for the Purposes of this Act as for enabling the County Prison Boards to acquire and hold Lands and Heritages for the Purposes of the said last-mentioned Act.

Provisions of 2 & 3 Vict. c. 42. applied to this Act.

District Asylums vested in District Boards.

LIII. All the District Asylums, not otherwise vested by the Constitution or Endowment thereof, shall, subject to the Use of the same for the Purposes of this Act, as herein provided, together with the whole Moveable Property, Goods, and Effects in such District Asylums, subject to the like Use, be vested in the District Boards of the District, who shall be entitled to acquire, hold, and administer the same as aforesaid; and if, from any Change of Circumstances in a District, the Accommodation for the Lunatics of such District shall have become insufficient, it shall be lawful for the Board to call upon the District Board of such District to provide such farther Accommodation as is required, and where Enlargement or Alteration is required, to add to or alter any existing Asylum in such Manner and to such Extent as shall be necessary for the Wants of the District, and where a new District Asylum shall be necessary, to provide and erect such new District Asylum; and it shall be lawful for the District Boards to sell or dispose of the old District Asylum, and to apply the Price to be obtained for the same towards Payment of the Expense of providing and completing the new District Asylum; and the Expense of providing such new District Asylum, or such Part thereof as may be necessary, shall be raised and levied in such and the like Manner as the Expense of providing the original District Asylum is herein directed to be raised and levied.

Assessments.

And with respect to Assessments for the Purposes of this Act, be it enacted:

Expense of District Asylum how to be raised.

LIV. The Expense of providing, building, altering, enlarging, and repairing, and fitting up and furnishing District Asylums, and the whole Expense of maintaining the Establishment for the First Year after the opening of the same, and also the after Expense of altering, repairing, and keeping in repair such District Asylums, and of the Surveys, Plans, and Investigations in relation thereto, shall be ascertained by the Board from the Estimates or Reports to be made thereof by the District Boards; and the gross Amount of such Expense shall be apportioned by the Board upon the Landward Parts of Counties, and upon the Burghs respectively, within such Districts, according to the Real Rent of the Lands and Heritages in Terms of the Act of the Seventeenth and Eighteenth of Her Majesty, Chapter Ninety-one, within such Landward Parts of Counties and Burghs respectively; and the Board shall give Notice to the Convener of the Commissioners of Supply of each County respectively, for such County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh, for such Burgh, of the whole Sum or Proportion to be levied on such Burgh and the Landward Part of such County respectively; and the Portion of the gross Amount of such Expense which shall be apportioned as aforesaid on the several Landward Parts of Counties shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Commissioners of Supply of each County respectively; and the Portion thereof which shall be apportioned as aforesaid on the several Burghs shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Magistrates of each Burgh respectively, in the same Way and Manner in all respects, and upon such and the like Property, according to the real Rent of such Property, and from such Persons, and by such and the like Process and Means of Recovery, and under the like Deductions and Exemptions, and with and under the same Powers and Provisions as to any disputed Matter and otherwise, and generally in all respects as if such Portions of the said gross Amount apportioned under this Act were Portions of a gross Amount of Sums estimated in Terms of the Fortieth Section of the said Act of the Second and Third Years of Her Majesty, Chapter Forty-two, and directed by that Act to be assessed on the said Counties and Burghs respectively; and the said last-mentioned Act shall, in so far as the same is hereby made applicable to the raising Assessments for the Purposes of this Act, be construed herewith as if the same were a Part of this Act; and the Collectors or other Persons employed in reference to Assessments under the last-mentioned Act, or any other Act, may be employed, and shall be bound to act, in the like Capacity under this Act; and the Assessments under this Act may, if thought proper by the said Commissioners of Supply and Magistrates of Burghs respectively, be assessed, laid on, and collected along with any Assessments under the said last-mentioned Act, or along with any Assessments under any other Act.

Expense of Asylums to be defrayed out of Assessment.

LV. The Commissioners of Supply in each County, or their Convener or Collector, and the Magistrates in each Burgh, or their Collector, shall, at their Risk, and free of all Expenses, remit the whole Sum apportioned on such County and Burgh respectively, within Eight Months after Notice by the Commissioners aforesaid, and in the Manner directed by the said last-mentioned Act, to or on account of the District Board, who shall apply the same in defraying the Expense to be incurred in erecting and providing such District Asylums, and fitting up and furnishing the same, and also in defraying the Expense, for a Period not exceeding One Year after the opening of such Asylum, of the Superintendent, Clerk, Officers, or Servants, and of the Medical Attendants to be employed therein; provided that the Expenses of the Superintendent and other Officers and Servants shall not be so defrayed for such Period if the Amount of the Monies to be received as herein-after provided shall be adequate to defray the same, or longer than while such Monies shall be inadequate so to do.

Special Arrangements.

And with respect to special Arrangements, be it enacted:

Property or Money held in trust for Establishment of an Asylum may be contributed in lieu of Assessment.

LVI. Where any Property or Money is or shall be mortified, conveyed, or made over, in trust or otherwise, for the Erection or Establishment of any Asylum or Hospital for Lunatics, for the Use of any County or Counties or Parish or Parishes, and such Property or Money shall be vested, in whole or in part, in the Hands of the Trustees of such Trust or others, they shall be entitled to apply such Money or Proceeds of such Property in Payment of the Assessments leviable for the Purposes of this Act upon such County or Counties, or Parish or Parishes, or to apply the same towards the Trust Purposes of the Mortification or Endowment, in the Erection of the Asylum, Hospital, or other Establishment thereby prescribed; and in such last Case such Asylum, Hospital, or other Establishment may be transferred, made over, or be otherwise made available to the District Board in which the same is situated, for the Purposes of this Act, in such and the like Manner as is herein provided in respect of any existing Asylum, Hospital, or available Accommodation in any District; and such County or Counties or Parish or Parishes shall thereupon be relieved to the Extent of the Payment made from such Assessment, or to the Extent of the Value of the Asylum, Hospital, or Accommodation, or Part thereof transferred, made over, or made available to the District Board, such Value to be fixed by the Board.

County making over Asylum to the District Board to have Deduction from Amount of Assessment.

LVII. If in any County or Counties, or Parish or Parishes, there shall be any Asylum or Hospital or other available Accommodation for Lunatics provided for such County or Counties, or Parish or Parishes, or Part thereof, the Use whereof can be validly transferred or made over, or can be made effectually available to the District Board of any District, for their exclusive Use, for the Reception and Confinement of Pauper Lunatics therein, under the Provisions of this Act, such County or Counties, or Parish or Parishes, or Part thereof, by which any such Asylum or Hospital or Accommodation shall be so transferred, made over, or be made available to the District Board, shall be entitled to Deduction from the Amount of the Assessments leviable upon such County or Counties, or Parish or Parishes, or Part thereof, to the Extent of the Value of the Asylum or Hospital or Accommodation to be thereby made over to the District Board of such District, such Value to be fixed by the Board.

Right of Accommodation may be bought up.

LVIII. If in any District there shall be any Public Asylum wherein any other District, or any Parish or Parishes or others within any other District, have any Right to Accommodation, it shall be lawful for the District Board of the District in which such Asylum is situated to apply so much of the Assessment leviable in such District under this Act as may be necessary towards the purchasing up such Right of Accommodation, by Payment of the Value thereof to the District Board of the District which has such Right, or in which any Parish or Parishes having such Right is or are situated; and the District Board receiving the same shall apply the Amount towards the procuring Accommodation for the Pauper Lunatics of the District of the District Board making such Payment; and the Parish or Parishes or others in whom such Right is vested shall be entitled to Deduction from any Assessment to be levied for the Purposes of this Act upon such Parish or Parishes or others to the Extent of the Sum to be paid as the Value of their respective Rights of Accommodation to be so purchased.

District Boards may agree with existing Asylums for the Reception of Pauper Lunatics.

LIX. In case there shall be any Asylum established in any District which shall have sufficient Accommodation for the Reception of the Pauper Lunatics of such District, or can be easily rendered adequate to the Reception of such Pauper Lunatics or any Portion of them, the District Board of such District shall, before proceeding to assess for or erect any District Asylum, contract with the Proprietors or Parties interested in any such Asylum for the Use of the whole or any Part of the same, or for the Reception and Maintenance of the Pauper

Lunatics of such District, or any Portion of them, upon such Terms as shall be arranged between the District Board and such Proprietors or Parties interested; and in case of Difference between the District Board and Proprietors or Parties interested relative thereto, such Difference shall be subject to the Decision of the Board; and where any such Agreement shall be completed with a public Asylum, the Portion of such Asylum which shall, in Terms thereof, be appropriated to the Reception of such Pauper Lunatics, shall be and remain under the Care and Management of the Proprietors or Parties interested therein, subject to the Power of Inspection and Visitation, and Power of making Regulations herein-before conferred upon the Board.

As to Pauper Lunatics to be received into the Crichton Institution at Dumfries or the Southern Counties Asylum.

LX. The Trustees and Directors of the *Crichton* Royal Institution for Lunatics at *Dumfries* shall be obliged to receive in such Asylum or in the Southern Counties Asylum the Pauper Lunatics who shall be sent thereto by the Parochial Boards of the Counties of *Dumfries* and *Wigtown* and the Stewartry of *Kirkcudbright,* upon the Conditions herein provided and prescribed in respect of Pauper Lunatics sent to the District Asylums to be established in virtue of this Act; and the Monies to be received by the said Trustees and Directors shall be paid and applied towards the Expense of keeping and maintaining the said *Crichton* Royal Institution or the Southern Counties Asylum: Provided always, that if any Difference shall arise between the said Trustees and Directors and Parochial Boards, the same shall be decided by the Board.

Borrowing Money.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted:

Power to borrow Money on Security of Assessments.

LXI. It shall be lawful for any District Board, from Time to Time, to borrow on the Security of the Assessments to be levied under this Act in and for such District, or any Part thereof, all or any of the Monies required in such District, or in any County or Burgh within the same, for the Purposes of this Act; and such Money may be so borrowed at any Rate of Interest not exceeding Five Pounds *per Centum per Annum;* and every such Security may be by Assignation in Security in the Form contained in the Schedule (K. No. 1.) to this Act annexed, or to that or to the like Effect, and shall be duly executed if signed by Three or more Members of the District Board; and every such Deed of Security shall be effectual for securing to the Person advancing the Sum of Money in such Deed expressed to be advanced, and to his Heirs, Executors, and Assignees, the Repayment thereof, with Interest for the same after such Rate and at such Time and in such Manner as in such Deed of Security provided; and the said Deeds of Security shall be numbered in the Order of Succession in which they are granted; and a Copy of each such Deed of Security shall be transmitted to the Secretary appointed under this Act; and a Memorandum of each such Deed shall be entered by the Secretary in a Book to be called the Register of Securities, to be kept by him for that Purpose; and every such Deed of Security, and the Monies secured thereby, shall be deemed to be Personal Property, and may and shall pass as such Property passes by the Law of *Scotland*, and shall be validly transferred by simple Endorsation on such Deed of Security by the Party entitled thereto for the Time being of a Transfer in the Form of the Schedule (K. No. 2.) hereunto annexed; and the Parties in right of such Deeds of Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security in an equal Degree one with another, and shall not have any Preference or Priority other than is provided in such Deeds of Security under the Powers of this Act.

Power to Public Works Loan Commissioners to lend Money for Purposes of this Act.

LXII. It shall be lawful for any District Board to make Application for any Advance of any Sum for the Purposes of this Act to the Commissioners acting in the Execution of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, and any Act or Acts amending or continuing the same, and the said Commissioners are hereby empowered, if they think fit, to make such Advance upon the Security of any such Assignation in Security as aforesaid.

Provision for Payment of the Interest on borrowed Monies and a Portion of the Principal in each Year.

LXIII. Every District Board by whom any such Assignation in Security as aforesaid shall be granted shall annually make Payment, out of the Monies coming to its Hands under this Act, of all Interest due for the Time on the Sums contained in any such Assignations in Security, and also of a further Sum to Account of the Principal Sums contained in such Assignations in Security, being not less than One Thirtieth Part of the whole Sums contained in and due by the whole Assignations in Security granted by such District Board at the Time such Assignations in Security were made, until the whole Principal Sums for which such Assignations in Security shall have been granted, and the Interest thereof, shall be fully paid and discharged; and the said District Board shall, by Agreement with the Persons advancing any Money for the Purposes of this Act, determine the Order and Priority in which the several Sums advanced shall be respectively discharged; and every District Board so borrowing Money is hereby required to appoint a proper Person to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book or Books, separate and apart from all other Accounts; and the District Board is hereby required carefully to inspect all such Accounts, and to make such Orders for carrying the several Purposes aforesaid into execution as to them shall seem meet.

Provision for Money borrowed being paid off within 30 Years.

LXIV. Every District Board borrowing Money as aforesaid shall make Provision that the whole Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by such Board, not exceeding Thirty Years from the Time of borrowing the same.

Persons lending Money on Security of Assessments protected against Omissions to comply with Provisions of this Act.

LXV. No Person lending Money to any District Board, and taking an Assignation in Security for securing Repayment of the same, executed in manner directed or allowed by this Act, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the several Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Assignation in Security on the Ground that such Provisions have not been complied with.

Power to raise Money to pay off Sums already borrowed.

LXVI. In every Case where Monies shall have been borrowed under the Powers of this Act, it shall be lawful for the District Board by which such Monies shall have been borrowed (with the Consent of the Parties to whom the same shall be owing) to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies, and the Interest thereof, under the Powers of this Act, as if such Monies were borrowed under the Powers herein contained, but so nevertheless that all Monies borrowed shall be discharged within Thirty Years from the Time of first borrowing the same.

District Boards to furnish Annual Statements.

LXVII. Every District Board shall annually, and whenever required by the Board, transmit to them a full and detailed Report and Statement of all Sums falling to be paid by the District Board, whether for Principal or Interest, to the Holders of Assignations in Security granted by the District Board under this Act; and the Board shall, in each Year, in their Ascertainment of the Amount necessary to be raised within such District for the Purposes of this Act, take care to include and provide for the whole Sums so falling to be paid as aforesaid.

District Board to take charge of Asylum when finished.

LXVIII. Excepting in the Case of Public Asylums, with which Agreements shall have been made by the District Boards in Terms of this Act, when any District Asylum shall be ready for the Reception of Lunatics, and shall have been approved of and adopted by the Board as a District Asylum, the District Board is hereby required to assume the Charge of the District Asylum, and it shall be the Duty of such District Board to appoint any necessary Officers and Servants, and also a Clerk, if necessary, to the said District Board, whom, or any of them, they shall have Power to suspend or remove; and they shall also have Power to fix the Amount of the Salary or Remuneration to be paid to such Clerk, Officers, and Servants respectively; and the Management and Superintendence of such District Asylums, and the well-ordering and Discipline of the same, shall thereafter be under the Care of such District Board.

Notice of the District Asylum being ready for the Reception of Patients to be given.

LXIX. Upon the Completion and Approbation and Adoption of any District Asylum for Pauper Lunatics, the District Board shall forthwith cause Notice of the Day on which such District Asylum will be open for the Reception of Lunatics to be given once in the "*Edinburgh Gazette;*" and the Day on which the Asylum is to be opened as aforesaid shall be not less than One Week subsequent to the Publication of such Notice.

District Inspectors to be appointed, and their Duty.

LXX. It shall be lawful for the District Board, in each of the several Districts constituted by this Act, to appoint Medical Persons, One or more, as may from Time to Time be sanctioned by the Board, to be the Inspector or Inspectors of such District, and such Inspector or Inspectors shall hold their Offices respectively at the Discretion of the District Board, and shall be paid such Fees as the District Board, with the Sanction of the Board, may fix; and it shall be the Duty of such Inspectors to visit the Public, Private, and District Asylums and Houses in Terms of this Act, within their respective Districts, at all such Times as they shall be called upon so to do by the District Board, or the Board, or the Sheriff, and otherwise in Terms of this Act; and upon all such Visitations of Asylums they shall enter in a Book to be kept in each such Asylum, to be called the "Patients Book," the Condition of the Asylum, and the general State of the Health, mental and bodily, of the Lunatics kept therein, and also the Particulars of any Case requiring Remark: Provided always, that where in any District more than One District Inspector shall be appointed, it shall not be necessary that more than One of such Inspectors shall be a Medical Person.

Unqualified Medical Persons not to practise under this Act.

LXXI. It shall not be competent to any Person not qualified in Terms of this Act as a Medical Person to practise or to be employed or to grant any Certificate under the Provisions of this Act, nor shall it be competent to any Medical Person who shall have any pecuniary or patrimonial Interest or Concern with or in any Asylum or House in Terms of this Act, or any Copartnership or Participation of Profits with any Superintendent of any such Asylum or House, or whose Father, Brother, or Son shall be Superintendent of any such Asylum or House, to practise or to be employed or to grant any Certificate under the Provisions of this Act; and any Person who shall do in the contrary of this Enactment shall be guilty of an Offence, and be liable for each Offence, in a Penalty not exceeding Fifty Pounds, or to be imprisoned for any Period not exceeding Three

Months: Provided always, that any Medical Person may practise, be employed, or grant Certificates under this Act in or with reference to any Asylum or House, not being an Asylum or House in or with which such Person, or his Father, Brother, or Son, is so interested or connected as aforesaid: Provided also, that nothing in this Enactment contained shall prevent the Medical Officer of a District Asylum from granting Certificates with reference to any Lunatics of the District to which such Asylum belongs.

Provision for Neglect in Execution of Act.

LXXII. In case the Convener or Commissioners of Supply of any County, or Persons appointed or directed by them, or any Magistrates of Burghs, or Persons appointed or directed by them, shall refuse or neglect to do what is herein or in the said Act of the Second and Third Years of the Reign of Her Majesty, so far as the same is made applicable to this Act, required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board to apply, by summary Petition, to the Court of Session, in either of the Divisions thereof, or, during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and required to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Charge for Pauper Lunatics, and Application of the Monies to be received.

LXXIII. There shall be paid to the District Board, for each Pauper Lunatic sent to and detained in any District Asylum, such Sum *per* Week, and by such periodical Payments, as shall from Time to Time be fixed by the District Board, with the Approbation of the Board; and the Monies to be so paid shall be applied by the District Board of each District in defraying the Maintenance and Expenses of the Patients, the Salaries and Allowances of the Superintendent, Clerk, Officers, and Servants, and all other the necessary Expenses of such District Asylum; and if such Monies shall prove inadequate to defray such Maintenance and Expenses and Salaries, the District Board of such District shall, with the Approbation of the Board, make such additional Charge for each Pauper Lunatic kept in such District Asylum as may be necessary to make up any Deficiency which shall have arisen or may arise.

District Boards to keep Books.

LXXIV. The District Boards shall keep regular Books and Accounts showing distinctly the Amount of the Monies received by them, and of the Outlay and Expenditure thereof, and shall also keep Minutes of the Proceedings of the District Boards in the Execution of this Act; and at all Meetings of the District Boards Three Members thereof shall form a Quorum, and shall be capable of acting in the Execution of the Matters intrusted to such District Boards by this Act; and the District Boards shall keep a distinct Account of all Assessments and other Monies levied or received under the Provisions of this Act, and of the Application and Disbursement of the same, in such Form and Manner as the Board shall direct; and a Copy of the Account so kept shall be transmitted half-yearly to the Board; and the District Boards shall also keep Minutes of their Proceedings in the Execution of this Act.

Pauper Lunatic to be held to belong to the Parish of his Settlement.

LXXV. Every Pauper Lunatic detained in any District Asylum under this Act shall be deemed and held to belong and be chargeable to the Parish of the legal Settlement of such Lunatic at the Time the Order for his Reception in such Asylum was granted, and the Expense of his Maintenance in such District Asylum shall be defrayed by such Parish accordingly; and the Residence of any Pauper Lunatic in any such District Asylum shall be deemed to be the Residence of such Lunatic in the Parish legally chargeable with the Maintenance of such Lunatic.

Parish of the Settlement to be liable in the Repayment of Expenses.

LXXVI. All the Expenses attending the taking and sending a Pauper Lunatic to any District Asylum in or from any Parish which is not the Parish of the Settlement of such Lunatic, including the Sum paid for the Order for Admission of such Lunatic, and the Maintenance of such Lunatic therein, shall be recoverable by the Party or Parish defraying such Expense from the Parish of the Settlement of such Lunatic; and it shall be competent for the Sheriff of the County in and from which such Lunatic was taken and sent to ascertain and fix the Amount of the same, and the Expense so fixed shall be recoverable by summary Process from the Parish of the Settlement of the Lunatic before the Sheriff of the County in which such Parish is situated.

Expense incurred for Lunatic, from whom to be recovered.

LXXVII. The Expense incurred by any Superintendent of any Asylum, or by any other Party, for or in relation to the Examination, Removal, and Maintenance of any Lunatic, shall be defrayed out of the Estate of such Lunatic, or if such Lunatic has no adequate Estate, and if such Expense shall not be borne by the Relations of such Lunatic, then the Lunatic shall be treated as a Pauper Lunatic, and such Expense shall be defrayed by the Parish of the Settlement of such Lunatic, and the Superintendent or other Party disbursing such Expense shall be entitled to recover the same from or out of the Parties or Estate liable to defray the same as aforesaid.

Expenses to be paid in the first instance by the Parish in which

LXXVIII. If the Parish of the Settlement of any such Pauper Lunatic cannot be ascertained, and if the Lunatic has no Means of defraying the Expense of his Maintenance, nor any Relations who can be made liable for the same, the Expenses attending the taking and sending such Lunatic, and of his Maintenance in the District Asylum, shall be defrayed by the Parish in and from which he was taken and sent, but with recourse, nevertheless, to such Parish, at any Time when it shall appear that such Expenses are legally chargeable to any other Party or Parish, against such Party or Parish, and who or which shall be liable also in Interest and Expenses; and the Sheriff of the County in which the Parish defraying such Expenses in the first instance is situated shall certify under his Hand the Amount of such Expenses; and such Certificate shall be final and conclusive as to such Amount, and shall not be subject to Review by any Process whatsoever under any Proceeding instituted for Recovery of the same; and the Party entitled to recover such Expenses shall proceed as accords of Law against the Party or the Parish liable for the same, by summary Process before the Sheriff of the County within which such Party resides, or in which such Parish is situated, and the Judgment of such Sheriff shall be final: Provided always, that the Parish of Settlement shall not in any Case be liable in Repayment of the Expenses incurred in Relation to any Lunatic as aforesaid, unless written Notice shall have been given by the Parish or Party disbursing the same to the Parochial Board of the Parish of Settlement, and shall then only be liable for the Expenses incurred subsequent to such Notice, and for the Year preceding.

Lunatic was committed.

Notice to Parish of Settlement.

LXXIX. In any Investigation or Dispute regarding the Settlement of any Pauper Lunatic, the Inspector of the Poor of any Parish, and the Relations of the Lunatic, and other public Officers or Parties having an Interest in the Investigation, shall, on Warrant of the Sheriff, have free Access to the Lunatic, in the Presence of Inspector of the District, or other Medical Person appointed by the Board or the Sheriff, for the Purpose of seeing or examining the Lunatic touching the Matter in question.

Access to Pauper Lunatics by Parties interested in the Expense of their Maintenance, &c.

LXXX. Where it may appear to any District Board that any Asylum under its Charge is more than sufficient for the Accommodation of all the Pauper Lunatics of the District, or for whom Accommodation therein falls to be provided, it shall be lawful for such District Board, if they think fit, having obtained the Sanction thereto of the Board, to give Notice thereof by Advertisement in some Newspaper, One or more, commonly circulated in such District or Part thereof, and to permit the Admission of so many Pauper Lunatics of any other District, and (if such District Board and the Board think fit) Lunatics not Paupers, but who may be deemed proper Objects to be admitted into a Public Asylum, as to such District Board may seem expedient; and such District Board may at any Time

Where District Asylum can accommodate more than the Lunatics of the District, other Lunatics may be admitted.

Time rescind any such Resolution, and, with the Sanction of the Board, may vary the same; and such District Board may, if they think fit, require that no Pauper Lunatic shall be admitted into such Asylum under this Enactment without an Undertaking by the Parochial Board or Inspector of the Poor of the Parish to which such Lunatic is chargeable, or, in the Case of a Lunatic not a Pauper, by the Person signing the Application for the Admission of such Lunatic, for the due Payment of the weekly Charge for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic during his Continuance in such Asylum, and of the Expenses of his Burial in case he die therein, as well as for the Removal of such Lunatic from such Asylum within Six Days after Notice given in Writing by the Superintendent of such Asylum; and such Lunatic, not being a Pauper, shall have the same Accommodation in all respects as the Pauper Lunatics.

Property of Lunatics.

And with respect to the Property of Lunatics, be it enacted:

Where Property of Lunatic not under judicial Management, and not properly applied for his Benefit, Application to be made to the Court.

LXXXI. Whenever the Board, or the Accountant of the Court of Session, shall have Reason to believe or suspect that the Property of any Person detained or taken charge of as a Lunatic is not duly protected, by being placed under the Management of a Judicial Factor, and that the same, or the Income thereof, is not duly applied for his Maintenance, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself or by his Order, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any Person whom he believes to be detained or taken charge of as a Lunatic, setting forth that he is informed, or has Reason to believe or suspect, that the Property of such Person is not duly protected, or that the same, or the Income thereof, is not duly applied for his Maintenance, and praying the Court to cause the Matter to be investigated, and to appoint a Judicial Factor to such Lunatic, with a view to the proper Care and Protection of his Property, and to the Application of it, or the Income thereof, to his Maintenance and Support, or to do otherwise as may be just and expedient; and the Court, after such Intimation or Service, and such Investigation as they may deem fit, may appoint a Judicial Factor on the Property of such Lunatic, or may take any other Measures with a view to the Benefit of such Lunatic, and generally may do under such Application as to them shall seem proper.

Where Property

LXXXII. Where in the Case of any Lunatic whose Property shall, by reason of his being a Lunatic, have been placed under the Management of a Judicial Factor, the Board, or the Accountant of the Court of Session, shall be informed or have Reason to believe or suspect that such Property, or the Income thereof, is not applied to the due Maintenance of such Lunatic, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any such Lunatic as aforesaid, setting forth that he is informed or has Reason to believe or suspect that the Property of such Lunatic, or the Income thereof, is not duly applied for the Maintenance of such Lunatic, and praying the Court to cause the Matter to be investigated, and to take such Measures with a view to the Benefit of such Lunatic, and the securing the Application of the Property or Income of such Lunatic to his due Maintenance and Support, as may be proper; and it shall be lawful for the Court to make such Orders and take such Proceedings under such Application as it may deem proper and expedient: Provided always, that nothing in this Act contained shall derogate from any Powers already possessed by the Accountant of the Court of Session, or be construed to prevent such Accountant from himself making any Investigation or taking any Proceedings which may at present be competent at his Instance.

of Lunatic, though under Management of Judicial Factor, not properly applied for Benefit of Lunatic, Application to be made to the Court.

LXXXIII. The Expenses attending such Inquiries and Applications as aforesaid in reference to the Property of Lunatics shall be chargeable against the Property of the Lunatics to whom they respectively relate, and may be decerned for by the Court of Session, under any such Application as aforesaid, or be otherwise recovered in due Course of Law.

Expenses incurred as to Property of Lunatics to be defrayed from such Property.

LXXXIV. In any Case in which, after the passing of this Act, Judicial Caution falls to be taken for any Judicial Factor of a Lunatic, such Caution shall not be received as sufficient until the Accountant of the Court of Session shall approve thereof by a Marking to that Effect on the Bond of Caution; and where, with reference to any Judicial Caution received prior to the passing of this Act for any such Judicial Factor, such Accountant shall have Reason to believe or suspect that the Caution found is or has become insufficient, it shall be lawful for, and the Duty of, such Accountant to inquire into the Matter, and, if he shall think proper, to call upon such Judicial Factor to find other or additional and satisfactory Caution, and failing such Caution being found, to bring the Matter under the

Accountant of Court of Session to see that Caution for judicial Factors to Lunatics is sufficient.

the Notice of the Court of Session, in the Division thereof by which such Judicial Factor was appointed, with a view to the Court making such Order on the Subject as to it may seem fit.

Dangerous and Criminal Lunatics.

And with respect to Dangerous and Criminal Lunatics, be it enacted:

Sheriff may commit Dangerous Lunatics.

LXXXV. Where any Lunatic shall have been apprehended charged with Assault or other Offence inferring Danger to the Lieges, or where any Lunatic, being in a State threatening Danger to the Lieges, shall be found at large, or in a State offensive to public Decency, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal, or Inspector of the Poor, or other Person, accompanied by a Certificate from any Medical Person bearing that the Lunatic is in a State threatening such Danger, forthwith to commit such Lunatic to some Place of safe Custody, and the Sheriff shall thereupon direct Notice to be given in some Newspaper circulated within the County of such Commitment, and such farther Notice as he shall think fit, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named; and the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and threatening to be Dangerous, he shall commit the Lunatic to any Public, Private, or District Asylum; and in case there shall be no such Asylum within the Jurisdiction of the Sheriff, he shall commit such Lunatic to some such Asylum of an adjoining County; and an Order, such as is herein-before prescribed, shall be granted by the Sheriff in respect of every such Commitment; and the Person or the Parish liable in the Maintenance of such Lunatic shall be liable for the Expense of apprehending and of keeping and maintaining such Lunatic in such Asylum; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security.

Power to Sheriff to transmit Lunatic to another County.

LXXXVI. If any Pauper Lunatic in respect of whom Application shall be made to the Sheriff of any County as aforesaid shall have his known Settlement in another County, then it shall be lawful for the Sheriff either to follow out the Provisions of this Act in regard to such Lunatic, or at once to transmit along with the said Application such Lunatic in safe Custody to the Sheriff of such other County, to whom it shall be lawful to proceed as if the Application had been made to him in the first instance.

Provision for Cases where Insanity stands in bar of Trial.

LXXXVII. Where any Person charged under any Indictment or Criminal Libel with the Commission of any Crime shall be found insane, so that such Person cannot be tried upon such Indictment, or if upon the Trial of any Person so indicted such Person shall appear to the Jury charged with such Indictment or Criminal Libel to be insane, the Court before whom such Person shall be brought to be tried as aforesaid shall direct a Finding to that Effect to be recorded, and thereupon such Court shall order such Person to be kept in strict Custody until Her Majesty's Pleasure shall be known; and it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person so found insane, during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Lunatic acquitted of a Criminal Charge on the Ground of Insanity.

LXXXVIII. In all Cases where it shall be given in Evidence upon the Trial of any Person charged under any Indictment or Criminal Libel with committing any Crime or Offence that such Person was insane at the Time of committing such Crime or Offence, and such Person shall be acquitted, the Jury shall be required to find specially whether such Person was insane at the Time of the committing such Crime or Offence, and to declare whether such Person was acquitted by them on account of such Insanity; and if they shall so find and declare, the Court before whom such Trial shall be had shall order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until Her Majesty's Pleasure shall be known; and it shall thereupon be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Prisoner exhibiting Insanity when in Confinement as a Prisoner.

LXXXIX. If any Person, while imprisoned in any Prison or other Place of Confinement under any Sentence of Death, Transportation, Penal Servitude, or Imprisonment, or under Charge of any Crime or Offence, or under any Civil Process, shall appear to be insane, it shall be lawful for the Sheriff of the County where such Person is imprisoned to inquire, with the Aid of Two Medical Persons, as to the Insanity of such Prisoner; and if it shall be certified by such Sheriff and such Medical Persons that such Prisoner is insane, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon Receipt of such Certificate, to direct, by Warrant under his Hand, that such Person shall be removed to such Asylum as the said Secretary of State may judge proper and appoint; and every Prisoner so removed under this Act, and every Person removed previous to the Date of this Act, from Prison to an Asylum, by reason of his Insanity, shall remain in Confinement in such Asylum until it shall be duly certified to One of Her Majesty's Principal Secretaries of State, by Two Medical Persons, that such Person has become of sound Mind, whereupon the said Secretary of State is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his Warrant to the Superintendent of such Asylum, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he shall have been taken, or, if the Period of Imprisonment of such Person shall have expired, that he shall be discharged.

Provision for Detention of Lunatics in remote Places.

XC. And whereas it may be difficult in remote Parts of the Country to obtain the Order of the Sheriff and Medical Certificates necessary for the Reception and Detention of Lunatics under this Act, in respect of Persons alleged to be dangerous Lunatics, or Persons in pauper or reduced Circumstances alleged to be Lunatics: It shall in such remote Places be lawful for any Justice of the Peace of the County in which such alleged Lunatic may be, upon being satisfied by sworn Information of the Minister or any Elder of the Parish, or other credible Person, that such alleged Lunatic is a Lunatic or a dangerous Lunatic, to grant Warrant for his Detention and Transmission in safe Custody to the nearest Town in which a Sheriff or Sheriff Substitute shall reside: and the Person in whose Custody the Lunatic is so detained and transmitted shall forthwith take all necessary and proper Steps to obtain the requisite Medical Certificates and Order of the Sheriff of the County in which he has been apprehended, or to which he has been conveyed, by this Act required; and such Case shall thereafter be dealt with as a Case in which the Lunatic had been transmitted under an Order in Terms of this Act.

Lunatics may be removed from one Asylum to another.

XCI. If the Procurator Fiscal or any of the Commissioners shall make Application to the Sheriff for the Removal of any Lunatic from any Asylum or House in Terms of this Act, accompanied by a Certificate of Two Medical Persons to the Effect that such Asylum or House is unsuitable for the Confinement of such Lunatic, it shall be lawful for the Sheriff thereupon to grant an Order for the Removal of such Lunatic from such Asylum or House to some other Asylum or House, either in his own or in some adjoining County: Provided always, that Intimation of the intended Application shall be given (to be proved to the Satisfaction of the Sheriff) to the Party by whom or at whose Instance such Lunatic was confined, or if such Party be dead or cannot be found, to his nearest known Relative; and the Expenses attending such Application for Removal, and attending the Keeping and Maintenance of such Lunatic in the Asylum to which he shall be so removed,

moved, shall be defrayed by the Party or Parish liable for the Expense of the Keeping and Maintenance of such Lunatic in the Asylum or House from which he shall be so removed.

Liberation of Lunatic by Relation or others.

XCII. It shall be lawful for any Person, having procured and produced the Certificate of Two Medical Persons, approved by the Sheriff, of the Recovery of any Lunatic, or bearing that such Lunatic may, without Risk of Injury to the Public or to the Lunatic, be set at large, and also an Order from the Sheriff for the Liberation of the Lunatic, to require the Superintendent of the Asylum in which such Lunatic is to liberate such Lunatic, and such Lunatic shall be liberated accordingly; and it shall in like Manner be lawful for the Board, upon being satisfied by the Certificate of Two Medical Persons whom they may think fit to consult of the Recovery or Sanity of any Person confined as a Lunatic, to order the Liberation of such Person; and, previous to the Liberation of any such Person by Order of the Board or the Sheriff, Eight Days Notice in Writing shall be given of such intended Liberation to the Person at whose Instance such Lunatic was detained, or, in the Absence of such Person, to the nearest known Relative of such Lunatic, and, in the Case of a Pauper Lunatic, to the Party or Parish by whom the Expense of the Maintenance of the Pauper Lunatic was defrayed; and in all Cases of Removal or Liberation of any Lunatic the Superintendent of the Asylum shall enter or cause to be entered in the Register to be kept by such Superintendent the Particulars of the Removal or Liberation of such Lunatic, and the Date thereof, and the Authority on which such Removal or Liberation took place; and when any Lunatic has been discharged from any Asylum as incurable, the Fact of such Discharge shall thereupon be entered in the Register of the Asylum, with a Specification of the Place to which, and Person to whose Care, such Lunatic has been sent; and Copies of all such Entries shall, within Two clear Days of the same being made, be transmitted by the Superintendent to the Board.

Exception of Lunatics detained by Courts of Law.

XCIII. Provided always, That no such Removal or Liberation shall be competent or take place in regard to any Lunatic detained under the Sentence of any Court of Justice, without the Authority of such Court, or the Warrant of One of Her Majesty's Principal Secretaries of State: Provided further, that if, by the Expiration of the Period of Confinement awarded by the Sentence of any Court of Law, any Lunatic would be entitled to be set at large, and such Lunatic be then uncured, it shall be lawful, upon Certificate to that Effect by Two Medical Persons, and upon an Order granted by the Sheriff, to detain such Lunatic in the Asylum in which such Lunatic then is, or to remove him to some other Asylum, as may be proper.

Patient released to have Copy of Order, and Certificates, &c. on which he was confined.

XCIV. In the event of the Release from Confinement in any Asylum or House of any Person who shall consider himself to have been unjustly confined, a Copy of the Order, Petition, Statement of Particulars, and Certificates upon which he has been confined, shall, at his Request, be furnished to him or his Agent by the Clerk to the Board, without any Fee or Reward for the same.

Pauper Lunatics to be sent to a District Asylum, except under special Circumstances.

XCV. Every Pauper Lunatic to be detained under the Powers of this Act shall be sent to the Asylum for the District in which the Parish of the Settlement of such Pauper Lunatic is situated: Provided always, that, under special Circumstances, it shall be lawful for the Parochial Board, with Consent of the Board, to dispense with the Removal of any Pauper Lunatic to such Asylum, and to provide for him in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board; and provided further, that the Provisions of this Act as to the requisite Licence and Order, and Returns or Reports to the Board, shall be duly complied with.

Register of Lunatics to be kept in Asylums.

XCVI. In every Public, Private, and District Asylum there shall be regularly kept a Book, to be entitled "Register of Lunatics," in which shall be distinctly set forth all the Particulars relating to every Lunatic who shall be received or detained in such Asylum in the Manner and Form set forth in the Schedule (I.) hereunto annexed; and a Copy of such Register shall be transmitted to the Board at such Times as they shall direct; and any Superintendent of any such Asylum who shall fail or neglect to keep such Book, or to transmit such Copy as so directed, shall be liable in a penalty not exceeding Twenty Pounds for every such Offence.

Registration and Notice of Death of Lunatics.

XCVII. In case of the Death of any Lunatic in any Public, Private, or District Asylum or House in Terms of this Act, a Statement setting forth the Time and Cause of the Death, and the Duration of the Disease of which the Lunatic died, shall be prepared and signed by the Medical Person who attended the Lunatic during the Illness which terminated in Death, or who attended at the Time of such Death; and in every Public, Private, or District Asylum such Statement shall be entered in a Register to be kept in such Asylum in the Terms set forth in the Schedule (J.) hereunto annexed; and a Copy of such Statement, certified by the Superintendent of such Asylum or House, shall within Three Days of the Date of the Death be transmitted to the Board, and also to the Party or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed, and to the Person on whose Application the Lunatic was confined; and every such Medical Person or Superintendent who shall fail in the Duties prescribed to them as aforesaid shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

General Register to be kept.

XCVIII. The Board, on receiving such Copies of such Register Books and Entries, shall, after making such Examination thereof as they may deem proper, cause the same to be preserved in the Office of the Board; and from the Reports and Returns and Copies of Registers, and other Documents transmitted to the Board, shall cause to be prepared and completed, from Time to Time, as they shall direct, a General Register of all the Lunatics who shall be kept or taken care of under the Provisions of this Act, and such Register shall exhibit the Asylum or House under this Act into which each Lunatic is received, and the Time of his Reception, and also the respective Dates of the Removal, and the Place to which and the Person to whose Care the Lunatic is removed, and also the Date of the Liberation or Death of each Lunatic; and the Board may, at their Discretion, give Information to any Party inquiring into any of the Facts set forth in such Register, or may refuse such Information; and no Inspection of the Contents of such Register, or of any such Copies of Register Books or Entries, shall take place without their written Authority; and any Person making or permitting to be made any Inspection of the Contents of such Register, Register Books, or Entries, without such written Authority, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

Punishment for maltreating any Lunatic.

XCIX. If any Superintendent, Inspector, Officer, or Servant, or other Person employed in any Public, Private, or District Asylum or House in Terms of this Act, or otherwise having the Care of any Person detained as a Lunatic Patient under this Act, shall wilfully maltreat, abuse, or neglect any Person so detained, to the Injury of such Person, or if any Person detaining or taking or having the Care or Charge, or concerned or taking part in the Custody, Care, or Treatment, of any Lunatic or Person alleged to be a Lunatic, in any way abuse, illtreat, or wilfully neglect such Lunatic or alleged Lunatic, such Superintendent, Inspector, Officer, Servant, or other Person shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Six Months, without Prejudice to any Action for Damages at the Instance of the Party aggrieved, or of the Person on whose Application he was detained acting on his Behalf, or of any other Person having Interest, in any competent Court of Law: Provided always, that where any such Maltreatment or Abuse shall amount to an Assault, the Party committing such Offence may be prosecuted, at the Discretion of the Public Prosecutor, either for such Assault or for the Offence under this Act.

Power to the Lord Advocate to inspect Books of Commissioner.

C. It shall be lawful for the Lord Advocate of *Scotland* for the Time being at all Times to examine and inspect all the Books, Registers, Minutes, Proceedings, Reports, Returns, Accounts, and Documents of every Description kept by and in possession of the Board, who shall afford all such Information regarding every Particular under their Charge, and the Execution of the Duties therewith connected, as the Lord Advocate shall at any Time require.

Penalty on false Statements, or Refusal to comply with Act.

CI. Any Person who shall wilfully make any false Statement or Return or Report, or who shall wilfully make any false Representation upon any Plan or Writing to be used under this Act, or who shall refuse to give any Information which by this Act is required of him, or who shall conceal or refuse to divulge any Matter or Thing as to which Inquiry shall be made of him under this Act, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Twelve Months.

Board annually to report to Secretary of State.

CII. The Board shall annually, on or before the First Day of *February* in each Year, report to One of Her Majesty's Principal Secretaries of State regarding the Condition and Management of all Public, Private, and District Asylums and Houses in which any Lunatic is kept or detained under an Order of the Sheriff in Terms of this Act.

Orkney and Shetland separate Counties.

CIII. *Orkney* and *Shetland*, with their respective Dependencies, shall be taken to be separate Counties for the Purposes of this Act.

Provision for the Visitation of Lunatics under Order from Secretary of State.

CIV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, at any Time, by Order in Writing under his Hand, to require the Persons or Person to whom such Order shall be directed, or any of them, to visit and examine any Person detained or taken charge of as a Lunatic, or represented to be a Lunatic, or to be under any Restraint as a Lunatic, and to make a Report to such Secretary of State of such Matters as in such Order shall be directed to be inquired into; and all and every Person or Persons having the Care, Custody, or Charge of any Person to whom such Order in Writing applies shall give every Facility for the due Execution of such Order.

Power to Secretary of State to order a special Visitation of any

CV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department to employ the Board or any Person to inspect and inquire into the State of any Asylum, House, or Place wherein any Lunatic, or Person represented to be a Lunatic, shall be confined or alleged to be confined, and to report to him the Result of such Inspection and Inquiry; and every such Person so employed may be paid such Sum of Money for his Attendance and Trouble as such Secretary of State shall deem reasonable; and every such Person so employed shall be allowed his reasonable travelling and other Expenses while so employed; and such Sum of Money for Attendance and Trouble, and such Expenses, shall be charged on and shall be paid out of any Monies to be voted for that Purpose by Parliament.

Place where a Lunatic is represented to be confined.

CVI. All the Penalties and Forfeitures by this Act imposed may be sued for in the Name of the Secretary or of the Procurator Fiscal of the County in which the Offence shall have been committed or in which the Offender may be found, and may be recovered by summary Proceeding in the Name of such Secretary or Procurator Fiscal, or of any Agent appointed by the Board, upon Complaint in Writing to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint the Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party by delivering to him in Person, or by leaving at his usual Place of Abode, a Copy of such Order, and of the Complaint whereupon the same has proceeded; and upon the Appearance, or upon the Default to appear, of the Party, it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon such Proof of the Offence as shall satisfy the Sheriff, and without any written Pleadings or Record, the Sheriff shall convict the Offender, and upon such Conviction shall decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expenses as the Sheriff shall think fit, and shall grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, which Period shall in no Case exceed Six Months, unless herein otherwise specially provided.

Penalties how to be recovered.

CVII. The Amount of the Penalties or Forfeitures to be so awarded and recovered in respect of any Public or Private Asylum shall be paid and applied towards the general Expenses of the Board; and the Penalties or Forfeitures to be awarded in respect of any District Asylum shall be paid to the District Board of the District in which the Offence shall have been committed, as the Case may be, to be by such District Board applied in

Application of Penalties.

in Payment of the Expenses of the District Asylum under their Charge as aforesaid; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within Six Months after the Commission or Discovery of the Offence for which it was incurred.

Informalities.

CVIII. No Proceeding for the Recovery of Penalties or Forfeitures under this Act shall be set aside for Want of Form, nor shall the same be removed by Suspension, Advocation, Appeal, or otherwise, or be in any Manner subject to Review.

Powers granted to Sheriffs to be without Prejudice to their Power at Law.

CIX. The Powers and Authorities granted by this Act to Sheriffs shall be in addition and without Prejudice to the Powers and Authorities otherwise competent to Sheriffs by Law, all which Powers and Authorities, as well as the Powers hereby granted, may be exercised by them in aid and in the Execution of this Act.

Any County may constitute itself into a District under this Act.

CX. If the Prison Board of any County shall so resolve, at a Meeting to be held within Six Months after the passing of this Act, called by public Advertisement for the special Purpose of considering the Propriety of passing such Resolution, such County shall be served from the District of which by this Act it forms Part, and be a separate District in itself; and such Resolution shall be communicated to the Board, and shall be published in the *Edinburgh Gazette* and *North British Advertiser* Newspaper by the Clerk of such Prison Board within Twenty-one Days after the passing thereof, and on being so communicated and published shall receive Effect; and such County shall then be and become a District under this Act, in the same Way and Manner as if it had been herein specially constituted such District, and the Remainder of the District from which it is so severed shall thenceforward be and become a District under this Act, in the same Way as if such County had never been joined with it.

Provisions of this Act may be enforced summarily.

CXI. It shall be competent to the Board, during the Period of Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and to the Inspectors General in Lunacy under this Act, or either of them, after the Expiration of such Period, to enforce the Provisions of this Act or any of them, by summary Application to the Court of Session, or to any Sheriff Court having Jurisdiction over the Respondent in such Application, and it shall not be necessary to proceed by way of ordinary Action.

Inspectors of Poor to give intimation of Pauper

CXII. Every Inspector of the Poor shall, within Seven Days after he shall have become aware of any Pauper Lunatic being within the Parish of which he is Inspector, notify the same to the Chairman of the Parochial Board, and he shall also within the same Period intimate to the Board of Commissioners in Lunacy under this Act the Name and Residence of such Pauper Lunatic, and all the Circumstances he may have ascertained regarding his State and Condition, together with the Steps that may have been taken in reference to the Care and Custody of such Pauper Lunatic; and if any such Inspector shall fail within the said Period to make such Notification and Intimation, or either of them, he shall be liable in a Penalty of Ten Pounds.

Lunatics within their Parishes.

CXIII. Whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in* Scotland, the Board of Supervision thereby established is authorized and empowered, on any Parochial Board refusing or neglecting to provide for the Removal of an insane or fatuous poor Person to an Asylum or Establishment legally authorized to receive any Lunatic Patients, to take such Measures as may be necessary for removing such insane or fatuous poor Persons to such Lunatic Asylum or Establishment; and it is thereby provided, that under special Circumstances in particular Cases the said Board of Supervision might dispense with such Removal: The said Act, in so far as it grants such Powers to the said Board of Supervision shall be and the same is hereby repealed.

Certain Provision of 8 & 9 Vict. c. 83. repealed.

CXIV. The assessing Clauses of this Act shall not extend to the County of *Shetland*.

Assessing Clauses not to apply to Shetland.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Summons by the Commissioners.

In the Matter of *A.B.*, a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind].

I, one of the Board of the Commissioners in Lunacy for Scotland, in pursuance of the Provisions of an Act passed in the Twenty-first Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title of this Act*], do hereby grant Warrant to Messengers-at-Arms and Sheriff Officers conjunctly and severally to summon, warn, and charge and each of them, personally or at their respective Dwelling Places, in common Form, to appear before me at [*insert Place*], on the Day of 18 at o'Clock noon, and then and there to testify and bear witness, so far as they and each of them know and shall be asked, concerning the aforesaid Matter, under the Penalties specified in the said Act.

Given at Edinburgh this Day of in the Year One thousand eight hundred and .

C.D., Commissioner.

SCHEDULE (B.)

FORM OF LICENCE BY THE COMMISSIONERS.

I, one of the Board of the Commissioners in Lunacy for Scotland, do hereby certify, That *E.F.* of in the Parish of and County of has delivered to me a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics situated at in the County of in which it is proposed to receive Patients not exceeding in Number [*or, in the Case of a renewed Licence*, has delivered to me a List of the Number of Patients now detained in a House and Premises situated at in the County of in which there are at present Patients], and the Board having considered and approved of the same do hereby authorize and empower the said *E.F.* [he intending *or* not intending to reside therein] to use and employ the said House and Premises for the Reception of Male [*or* Female *or* Male and Female] Lunatics, whereof are Paupers, for the Space of Calendar Months from this Date.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

C.D., Commissioner.

SCHEDULE (C.)

FORM of STATEMENT to be lodged with a PETITION to the SHERIFF for the RECEPTION of a LUNATIC.

1. Christian Name and Surname of Patient at Length.
2. Sex and Age.
3. Married, single, or widowed.
4. Condition of Life, and previous Occupation (if any).
5. Religious Persuasion so far as known.

6. Previous Place of Abode.

7. Place where found and examined.

8. Length of Time insane.

9. Whether first Attack.

10. Age (if known) on first Attack.

11. When and where previously under Examination and Treatment.

12. Duration of existing Attack.

13. Supposed Cause.

14. Whether subject to Epilepsy.

15. Whether suicidal.

16. Whether dangerous to others.

17. Parish or Union to which the Lunatic [*if a Pauper*] is chargeable.

18. Christian Name and Surname and Place of Abode of nearest known Relative of the Patient, and Degree of Relationship (if known), and whether any Member of his Family known to be or to have been insane.

19. Special Circumstances (if any) preventing the Insertion of any of the above Particulars.

I certify, That to the best of my Knowledge the above Particulars are correctly stated.

Dated this Day of One thousand eight hundred and .

[*To be signed by the Party applying.*]

SCHEDULE (D.)

Form of Medical Certificate.

I, the undersigned, [*set forth the Qualification entitling the Person certifying to grant the Certificate, e.g.*, being a Member of the Royal College of Physicians in Edinburgh,] and being in actual Practice as a [Physician, Surgeon, *or otherwise, as the Case may be*], do hereby certify on Soul and Conscience, That I have this Day at [*insert the Street and Number of the House (if any) or other like Particulars,*] in the County of separately from any other Medical Practitioner visited and personally examined *A.B.* [*insert Designation and Residence, and if a Pauper state so*], and that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be detained under Care and Treatment, and that I have formed this Opinion upon the following Grounds, viz. :—

1. Facts indicating Insanity observed by myself [*state the Facts*].
2. Other Facts (*if any*) indicating Insanity communicated to me by others [*state the Information, and from whom*].

(Signed) [*Name and Medical Designation and Place of Abode.*]

Dated this Day of One thousand eight hundred and

SCHEDULE (E.)

FORM of ORDER to be granted by the SHERIFF for the RECEPTION of a LUNATIC.

I, *G.H.*, Sheriff [*or* Sheriff Substitute, *or* Steward, *or* Steward Substitute] of the County [*or* Stewartry] of having had produced to me, with a Petition at the Instance of *I.K.* [*Name and Designation*], Certificates under the Hands of and being Two Medical Persons duly qualified in Terms of an Act [*specify this Act*], setting forth that they had separately visited and examined *A.B.* [*describe him, and if a Pauper state so*], and that the said *A.B.* is a Lunatic, [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind,] and a proper Person to be detained and taken care of, do hereby authorize you to receive the said *A.B.* as a Patient into the Public [*or* Private] Asylum of and I authorize his Transmission to the said Asylum accordingly, and I transmit to you herewith the said Medical Certificates, and a Statement regarding the said *A.B.* which accompanied the said Petition.

Dated this Day of 18 .

(Signed) *G.H.*

To the Superintendent of the Public Asylum [*or* Private Asylum] of } [*Designation.*]

SCHEDULE (F.)

NOTICE OF ADMISSION.

I HEREBY give Notice, That *A.B.* [*describe him*] was received into this House as a Private [*or* Pauper] Patient, on the Day of , and I hereby transmit a

Copy of the Order and Medical Certificates and Statement on which he was received.

Subjoined is a Report with respect to the mental and bodily Condition of the above-named Patient.

(Signed) *E.F.*, Superintendent.

Dated at this Day of One thousand eight hundred and .

REPORT.

I have this Day seen and personally examined *A.B.*, the Patient named in the above Notice, and hereby report and certify, with respect to his mental State, that [*insert Particulars*], and with respect to his bodily Health and Condition, that [*insert Particulars*].

(Signed) *L. M.*, Physician [*or* Surgeon].

Dated this Day of One thousand eight hundred and .

SCHEDULE (G.)

I, *L.M.*, a Medical Person duly qualified in Terms of the Act [*specify this Act*], certify, on Soul and Conscience, That *C.D.*, [*name and design the Patient*] is afflicted [*state the Nature of the Disease*], but that the Malady is not confirmed, and that I consider it expedient, with a view to his Recovery, that he should be placed [*specify the House in which the Patient is to be kept*] for a temporary Residence of [*specify a Time, not exceeding Six Months*].

SCHEDULE (H.)

DISTRICTS OR DIVISIONS OF SCOTLAND.

1. The Edinburgh District to comprise the Counties of—
   - Edinburgh.
   - Haddington.
   - Berwick.
   - Linlithgow.
   - Roxburgh.
   - Selkirk.
   - Peebles.
   - Orkney.

2. The Inverness District to comprise the Counties of—
   - Sutherland.
   - Ross and Cromarty.
   - Inverness.
   - Elgin and Nairne.
3. The Aberdeen District to comprise the Counties of—
   - Caithness.
   - Banff.
   - Aberdeen.
   - Kincardine.
   - Shetland.
4. The Perth District to comprise the Counties of—
   - Forfar.
   - Perth.
   - Fife.
   - Clackmannan.
   - Kinross.
5. The Dumfries District to comprise the Counties of—
   - Dumfries.
   - Kirkcudbright.
   - Wigton.
6. The Glasgow District to comprise—
   - Lanarkshire.
7. The Stirling District to comprise the counties of—
   - Argyll.
   - Bute.
   - Dumbarton.
   - Stirling.
8. The Renfrew District to comprise the Counties of—
   - Renfrew.
   - Ayr.

SCHEDULE (I.)

REGISTER OF LUNATICS.

Date of last previous Admission (if any).	Number in order of Admission.	Date of Admission.	Christian and Surname at full Length.	Sex and Class.				Age.	Condition as to Marriage.			Condition of Life and previous Occupation.	Previous Place of Abode.	County or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epileptics.	Congenital Idiots.	Duration of existing Attacks.			Number of previous Attacks.	Age on first Attack.	Date of Discharge, Removal, or Death.	Discharged.			Died.	Observations.
				Private.		Pauper.																											
				M.	F.	M.	F.		Married.	Single.	Widowed.												Years.	Months.	Weeks.				Recovered.	Relieved.	Not improved.		
	1	1850. January 3	William Johnson	—	—	1	—	23	—	1	—	Carpenter	—	—	—	—	—	—	Melancholia	—	—	—	—	4	—	—	17	1850. Sept. 1	1	—	—	—	—
	2																																
	3																																
	4	1852. June 9	William Johnson	—	—	1	—	25	—	1	—	— —	—	—	—	—	—	—	— —	—	—	—	—	—	3	—	3	1852. Dec. 2	—	—	—	—	—
	5																																
	6																																
	7	1856. May 6	William Johnson	—	—	1	—	29	—	1	—	— —	—	—	—	—	—	—	— —	—	—	—	—	1	—	—	4	1857. June 8	—	—	—	1	—
	8																																

SCHEDULE (J.)

REGISTER OF DEATHS.

Date of Death.	Date of last Admission.	Duration of Disease.	Christian and Surname at full Length.	Sex and Class.				Assigned Cause of Death.	Age at Death.		OBSERVATIONS.
				Private.		Pauper.			M.	F.	
				M.	F.	M.	F.				
1850 : Sept. 1	1850 : Jan. 2	—	William Johnson	—	—	1	—	. .	23		
1852 : Dec. 2	1852 : June 9	—	John Brown .	1	—	—	—	. .	25		
1856 : June 8	1855 : May 6	—	William Smith .	—	—	1	—	Phthisis	27		

SCHEDULE (K.)

No. 1.

FORM of ASSIGNATION in SECURITY to be granted for MONIES BORROWED on the SECURITY OF ASSESSMENTS.

Assignation in Security No. [*insert Number*].

WE Members of the District Board under the Act [*specify this Act*], in pursuance of the Powers of the said Act, do hereby, in consideration of the Sum of [*specify Sum advanced*], assign to [*name and design Creditor*], and his Heirs, Executors, and Assignees, [*or as the Case may be*], all the District Assessments to be raised and paid within the said District under the said Act, in Security of the Repayment of the said Sum of and of the Interest thereof after the Rate of Pounds per Centum per Annum from the Day of until Payment, which Sum is to be repayable, with the Interest at the Rate foresaid, as follows: [*state the Terms of Repayment according to the Arrangement*]. And we consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

No. 2.

No. 2.

FORM of TRANSFER of ASSIGNATION in SECURITY.

I [*Name and Designation*], transfer to [*Name and Designation*], and his Heirs, Executors, and Assignees, an Assignation in Security, numbered [*insert the Number of the Assignation*], and dated [*insert Date*], granted by the District Board of the District to [*Name and Designation*], for [*insert the Sum*], and the Interest thereof from the Day of . And I consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

CAP. LXXII.

An Act to render more effectual the Police in Counties and Burghs in Scotland.—[25*th* August 1857.]

WHEREAS an Act was passed in the Eleventh Year of King *George* the First (Chapter Twenty-six), "for 11 G. 1. c. 26. "more effectual disarming the Highlands in that Part of *Great* "*Britain* called *Scotland*, and for the better securing the Peace "and Quiet of that Part of the Kingdom," whereby the Freeholders of every Shire, County, or District in *Scotland* were authorized to assess the several Shires or Stewartries for raising a sufficient Fund to defray the Charges of apprehending, subsisting, and prosecuting Criminals; and another Act was passed in the Session of Parliament holden in the Second and Third Years of King *William* the Fourth (Chapter Sixty-five), 2 & 3 W. 4. c. 65. "to amend the Representation of the People in *Scotland*," whereby the Collection and Application of the said Fund commonly called "Rogue Money" was transferred from the Freeholders to the Commissioners of Supply; and another Act was passed in the Session of Parliament holden in the Second and Third Years of Her Majesty (Chapter Sixty-five), "to 2 & 3 Vict. c. 65. "amend the Mode of assessing the Rogue Money in *Scotland*, "and to extend the Purposes of such Assessment," whereby the Commissioners of Supply of any County were authorized to levy with and as Part of the Rogue Money an additional Assessment for the Maintenance of a Constabulary or Police Force

3 & 4 W. 4. c. 46.

10 & 11 Vict. c. 39.

13 & 14 Vict. c. 33.

Force in such County, and such additional Assessments have been levied and such Force has been established in some Counties in *Scotland:* And whereas an Act was passed in the Session of Parliament holden in the Third and Fourth Years of King *William* the Fourth (Chapter Forty-six), "to enable "Burghs in *Scotland* to establish a general System of Police," which Act was subsequently amended by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty (Chapter Thirty-nine); and an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty (Chapter Thirty-three), "to "make more effectual Provision for regulating the Police of "Towns and populous Places in *Scotland*, and for paving, "draining, cleansing, lighting, and improving the same;" and the Three last-recited Acts have been adopted in whole or in part in some Burghs in *Scotland:* And whereas it is expedient that further and other Provision be made for securing an efficient Police Force throughout *Scotland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners of Supply to establish Police Force.

I. On the Twenty-ninth Day of *September*, or on some other Day thereafter not later than the Thirty-first Day of *October* One thousand eight hundred and fifty-seven the Commissioners of Supply of every County in *Scotland* shall hold a Meeting on such Day and at such Hour and Place as may be publicly notified by the Convener of the Commissioners of Supply by Advertisement at least Twenty-one Days previous to such Meeting in the *Edinburgh Gazette* and in some One or more Newspapers published in such County, or, if there be no such Newspaper, then in some One or more Newspapers published in an adjoining County or Counties, and at such Meeting or at any Adjournment thereof (not later than the said Thirty-first Day of *October*) the said Commissioners of Supply shall proceed to establish, from and after the Fifteenth Day of *March* One thousand eight hundred and fifty-eight, a sufficient Police Force for such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings in Writing to One of Her Majesty's Principal Secretaries of State.

Commissioners of Supply to appoint

II. The Commissioners of Supply of every County shall at their First Meeting for the Purposes of this Act, or at any Adjournment thereof as aforesaid, on the Twenty-ninth Day of

September, or on some other Day thereafter not later than the Thirty-first Day of *October*, and in all subsequent Years at their statutory Meeting on the Thirtieth Day of *April*, appoint certain of their own Number, being not more than Fifteen and not less than Three, which Persons so appointed, along with Her Majesty's Lieutenant and the Sheriff of the County (or, in the Absence of such Sheriff, One of his Substitutes to be by him nominated for that Purpose), shall be called "The Police Committee," to manage and transact all or any Matters which such Police Committee is hereby required or authorized to do, execute, or perform; and every such Committee shall also have such or so many of the Powers and Authorities and Discretion by this Act given to and reposed in such Commissioners of Supply as such Commissioners of Supply shall think proper to delegate to such Committee; and such Police Committee shall elect One of their own Number to be their Chairman, and any Three Members of such Police Committee shall be a Quorum, and entitled to exercise all the Powers of such Police Committee; and at all Meetings of such Police Committee the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal the Chairman of the Police Committee, or in his Absence any Member chosen by said Committee to be Preses of the Meeting, shall have a Casting Vote in addition to his own Vote; and such Committee may from Time to Time appoint Sub-Committees with such of the Powers of the said Committee as they may think fit.

Police Committee to carry Act into execution.

III. Rules for the Government, Pay, Clothing, and Accoutrements and Necessaries of such Constables as may be appointed under this Act shall from Time to Time be made by One of Her Majesty's Principal Secretaries of State, but not so as to increase the Number of Men proposed to be appointed; and the Rules so made shall be sent to the Clerk of Supply for every County, and shall be by him communicated to the Chairman of the Police Committee, the Sheriff Clerk, and Justice of Peace Clerk of such County respectively; and it shall be lawful for such Secretary of State, upon the Representation of the Commissioners of Supply of the County setting forth any special Reasons, from Time to Time to suspend any Part of such Rules, or to amend or add to such Rules, so as to make them applicable to the special Circumstances of such County; and all such Rules shall be binding on all Persons whom they may concern; and Copies of all such Rules shall be laid before both Houses of Parliament within Six Weeks after the making thereof, if Parliament be then sitting, and if Parliament be not then sitting then within Six Weeks after the next Meeting of Parliament.

Rules for Government, Pay, &c. of Constables to be made by Secretary of State.

IV. As

Chief Constable of the County to be appointed; and may serve for more than One County.

IV. As soon as any such Rules, as finally settled, shall have been received from the Secretary of State, the Chairman of the Police Committee of the County shall call a Meeting of the said Committee on not less than Ten or more than Twenty Days Notice, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the Approval of One of Her Majesty's Principal Secretaries of State, appoint a Person duly qualified according to the Rules to be Chief Constable of the County from and after the said Fifteenth Day of *March* One thousand eight hundred and fifty-eight; and in every Case of Vacancy of the Office of Chief Constable the Chairman of the Police Committee shall call a Meeting of the Police Committee as aforesaid, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the like Approval, appoint a fit Person to be Chief Constable; and every Chief Constable may hold his Office until dismissed by the Police Committee; and it shall be lawful to appoint the same Chief Constable for Two or more adjoining Counties, if the Commissioners of Supply of such Counties shall agree to join in such Appointment.

Number of Constables may be increased or diminished.

V. It shall be lawful for the Commissioners of Supply, on the Recommendation of the Police Committee of any County, from Time to Time, with the Consent of One of Her Majesty's Principal Secretaries of State, to increase or diminish the Number of Constables appointed under this Act for such County.

Chief Constable to appoint the other Constables.

VI. The Chief Constable shall, subject to the Approval of the Police Committee, appoint the other Constables to be appointed for the County, and a Superintendent to be at the Head of the Constables in each Division of the County, and may dismiss all or any of them, and shall have the general Disposition and Government of all the Constables so to be appointed, subject to such lawful Orders as he may receive from the Sheriff, or from the Justices of the Peace in General or Quarter Sessions assembled, and to the Rules established for the Government of the Force in Terms of this Act: Provided always, that in the Case of any conflicting Orders being issued by the Sheriff and Justices of the Peace assembled as aforesaid, the Orders of the Sheriff shall be followed by the Chief Constable, until the decision of One of Her Majesty's Principal Secretaries of State shall be pronounced on the Subject, which Decision, unless in so far as the same may be afterwards altered or modified by One of Her Majesty's Principal Secretaries of State, shall be final and conclusive.

Additional Constables

VII. It shall be lawful for the Chief Constable of any County, with the Approval of the Sheriff or of the Justices of the may be appointed at the Cost of Individuals.

the County in General or Quarter Sessions assembled (if he shall think fit), on the Application of any Person or Persons, setting forth the Necessity thereof, to appoint and cause to be sworn in any additional Number of Constables, at any Place within the Limits of his Authority, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the Chief Constable, and for such Time as he shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other Constables appointed under this Act: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving Fourteen Days Notice in Writing to the Chief Constable, to require that the Constables so appointed shall be discontinued, and thereupon the Chief Constable shall discontinue such additional Constables.

Power to appoint additional Constables to keep the Peace on Public Works.

VIII. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other Public Work of a similar Nature shall be in progress of Construction, upon the Application of the Company or other Parties carrying on any such Public Work, or for any Two Justices of the Peace of such County usually acting in the District in or through which any such Public Work may be in the Course of Construction, on similar Application, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff or Justices may think fit, for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such Public Works, and within a Mile therefrom, and such Constables so appointed shall be specially charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the Act; and such Sheriff or Justices shall decern the Company or other Parties carrying on such Public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff or Justices shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any Public Work shall refuse or neglect, within Fourteen Days next after Demand thereof, to pay any such Wages and Allowances, or any Part thereof, as shall by such Sheriff or Justices have been directed to be paid, it shall be lawful for such Sheriff or Justices forthwith to cause the same to be levied, together with the Expenses of levying the

Company or Parties carrying on such Works to pay Expenses of such Constables.

same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

8 & 9 Vict. c. 3. repealed after Twelve Months from the Date of this Act.

IX. The Act passed in the Session of Parliament holden in the Eighth Year of Her Majesty (Chapter Three), "for the "Appointment of Constables or other Officers for keeping the "Peace near Public Works in *Scotland*," shall be and the same is hereby repealed: Provided always, that the said last-mentioned Act shall continue in force for Twelve Months after the passing of this Act as regards all Constables or Peace Officers appointed and doing Duty under the said last-mentioned Act.

Chief Constable to appoint a Deputy.

X. The Chief Constable shall, subject to the Approval of the Police Committee, appoint One of the Superintendents or other Officer of the Police Force to act as his Deputy in case of his being incapable, from Illness or necessary Absence from the County, to perform the Duties of Chief Constable of the County; and the Deputy so appointed shall, in such Case as aforesaid, and also in case of any Vacancy of the Office of Chief Constable by Death or otherwise, have all the Powers, Privileges, and Duties of the Chief Constable: Provided always, that no Deputy Chief Constable shall be capable of continuing to act with the Powers of Chief Constable during any Vacancy of the Office for more than Three Months after the Vacancy has been occasioned.

Oath to be taken by Constables.

XI. The Chief Constable and other Persons so appointed shall, before the Sheriff or any Justice of the Peace for the County, take the following Oath; *videlicet,*

'I hereby swear, That I will faithfully discharge the Duties
'of the Office of Constable;'

Powers of Constables.

And shall have all the Powers and Privileges which any Constable or Police Officer duly appointed has by virtue of the Common Law, or of any Statute, made or to be made, throughout the County for which they are so appointed, and also in all detached Parts of other Counties locally situated within such County, and also in any Harbour, Bay, Loch, or Anchorage within or adjoining such County, and in every Burgh situated wholly or in part in such County, and also in any County adjoining to the County for which they are appointed; and it shall be lawful to any Constable appointed for any One of the Border Counties of *England* or *Scotland* respectively, (that is to say,) the Counties of *Northumberland*, *Cumberland*, *Berwick*, *Roxburgh*, or *Dumfries*, to execute within any of such Counties the lawful Warrant of any Sheriff, Justice of the Peace, or other Magistrate for the Apprehension of any Person accused or convicted of a Criminal Offence committed, or for the recovering of any Goods alleged to have been stolen, within the

County of which such Constable had been duly appointed One of the Constables, in like Manner as such Warrant might be executed by such Constable within the said last described County.

Duties of Constables.

XII. The Constables to be appointed in any County under this Act are hereby required, authorized, and empowered to guard, patrol, and watch within the County, according to such Regulations as may from Time to Time be prescribed by competent Authority under this Act, and to bring before the Sheriff or Justices of the Peace, One or more, all Persons who may be found within the County actually engaged in or committing any criminal, riotous, or disorderly Conduct or Act, including Offences committed on any Turnpike or Statute Labour Road, or otherwise, in contravention of the Provisions of the General or any Local Turnpike Act, or of the General or any Local Statute Labour Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can competently be tried before such Sheriff or Justices, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the County, fall to be tried in another Jurisdiction; and such Constables shall perform all the Duties attaching to Constables or Police Officers within any County at the Date of the passing of this Act, and shall carry into effect, as far as may be, the whole Provisions and Regulations herein contained.

Constables may, in certain Cases, accept Bail or Deposit.

XIII. Upon the Apprehension of any Person charged with any Offence, such as may be competently tried by any Justice or Justices of the Peace, it shall be lawful for the Chief Constable, or any Superintendent of Police, or any Constable duly authorized by the Police Committee, and in charge for the Time being of any Station House, Strong Room, or Lock-up, to accept, but only if he shall think fit, of Bail or Deposit that such Person shall appear for Examination and Trial before the Sheriff or Justice of the Peace Court at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Ten Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and such Constable or other Officer shall enter in a Book to be kept for that Purpose the Names, Residence, and Occupation of the Party, and Person or Persons, if any, accepted as Bail, and the Amount and Condition thereof, and if Deposit be accepted shall forthwith enter the same in such

Book, and grant an Acknowledgment for the Money or Article so deposited; and every such Bail shall be equally effectual and operative in all respects as if taken or accepted by any Magistrate.

Warrants and Deliverances in Criminal Proceedings to be executed by Constables.

XIV. All Warrants and Deliverances which may be issued in any Criminal Proceeding within any County by the Sheriff or any Justice or Justices of the Peace of such County, or Magistrates of Burghs forming Part of such County for the Purposes of this Act, may be served and executed, and all Services, Citations, and Executions in any Criminal Proceeding before such Sheriff, Justices, or Magistrate may be made and given by any Constable of such County appointed under this Act.

Constables to perform all Duties connected with the Police.

XV. The Constables acting under this Act shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties as the Sheriff or the Justices of the Peace of the County may from Time to Time direct and require.

Constables not to receive to their own Use Fees for Performance of their Duties.

XVI. It shall not be lawful for any Constable acting under this or any of the recited Acts to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Clerk of Supply of the County, or otherwise for the Use of the County.

Constables disqualified from voting at certain Elections.

XVII. No Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, or within Six Months after he shall have ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the County in which he is so appointed, or any Part thereof, or for any County adjoining thereunto, or for any Royal or Parliamentary Burgh or Town within any of the said Counties; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to induce any Elector to give, or abstain from giving, his Vote for the Choice of any Person to be a Member to serve in Parliament as aforesaid; and if any such Constable shall offend therein he shall forfeit the Sum of Twenty Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Clerk of Supply of the County, to be by him applied for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Constables exempted from serving on Juries, &c.

XVIII. All Constables holding Office under this Act shall be exempt from being returned and from serving upon any Juries whatsoever, or in the Militia, nor shall they be inserted in any Jury Lists.

Constables not prevented from receiving Half Pay.

XIX. No Office or Employment as a Constable under this Act shall prevent the Holder thereof from receiving any Half Pay or Pension to which, if he did not hold or have such Office or Employment, he might be or become entitled.

Penalty on Constables for Neglect of Duty.

XX. Every Constable appointed under this Act who shall be guilty of any Neglect or Violation of Duty in his Office of Constable, and shall be convicted thereof before the Sheriff or any Two Justices of the Peace, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from any Salary or Wages due to such Offender, or, in the Discretion of the Sheriff or Justices by whom he shall be convicted, he may be imprisoned, with or without Hard Labour, for any Time not exceeding One Month.

Constables not to resign without Leave or Notice.

XXI. No Constable appointed under this Act shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do, in Writing, by the Chief Constable or Superintendent under whom he may be placed, or unless he shall give to such Chief Constable or Superintendent One Month's Notice in Writing of his Intention; and every Constable who shall resign or withdraw himself without such Leave or Notice shall be liable, on being convicted thereof, to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds.

Constables dismissed to deliver up Accoutrements, &c.

XXII. Every Constable appointed under this Act who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty to the Chief Constable or Superintendent, or to such Person and at such Time and Place as shall be directed by the said Chief Constable or Superintendent, shall be liable, on being convicted thereof before the Sheriff or any Two Justices of the Peace, to Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and it shall be lawful for the Sheriff or any Justice of the Peace to issue his Warrant to search for and seize to the Use of the County Police all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

XXIII. Every

Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.

XXIII. Every Person, not being a Constable appointed under this Act, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable, on being convicted thereof, to a Penalty not exceeding Ten Pounds.

Penalty on Publicans harbouring Constables during the Hours of Duty.

XXIV. If any Victualler or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Constable appointed under this Act, or permit such Constable to abide or remain in his House, Shop, Room, or other Place, to the Neglect of his Duty, during any Part of the Time appointed for his being on such Duty, every such Victualler or Keeper as aforesaid, being convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Horses, &c. in the Service of the Police exempted from Toll.

XXV. No Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of any Police Force established under the Provisions of this Act; provided, that the Constable in charge of such Horse, Van, Carriage, or Cart, if not the Chief Constable, shall produce an Order in Writing under the Hand of the Chief Constable, or shall have his Dress according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Chief Constable to make Reports.

XXVI. Every Chief Constable shall, when so required, make Reports to the Police Committee, Sheriff, and Justices of the Peace, and Magistrates of Burghs forming Part of any County for the Purposes of this Act, or consolidated therewith under this Act, of all Matters which they shall respectively require of him concerning the Police of the County or Burgh respectively, and shall obey all lawful Orders and Warrants

rants of the Sheriff and Justices in the Execution of his Duty.

Allowances to Chief Constable, &c. for necessary Expenses.

XXVII. In addition to the Salary to be paid to the Chief Constable of the County, reasonable Allowances shall be made to him for extraordinary Expenses necessarily incurred by him, and by the Constables under his Orders, in the Apprehension of Offenders, and in the Execution of his and their Duty under this Act; and all such Allowances shall be examined and audited, and, if not disallowed, paid by the Commissioners of Supply.

Expenses of County Police to be defrayed out of Police Assessments.

XXVIII. The Salaries and Allowances of the Chief Constable and other Constables, and all Expenses incurred in providing them with such Clothing, Accoutrements, and Necessaries as may be allowed by the Rules to be established under this Act, and all other Expenses incurrred in putting this Act into Execution, shall be defrayed by the Commissioners of Supply of the County out of the Police Assessments to be made and levied by them in Terms of this Act.

Police Assessment to be levied for the Purposes of this Act.

XXIX. The Commissioners of Supply of every County shall once in each Year impose an Assessment for the Purposes of this Act, to be called "The Police Assessment," upon all Lands and Heritages within such County, according to the yearly Value thereof, as established by the Valuation Rolls in force for the Year of Assessment, under an Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one), "for the Valuation of Lands and Heritages in *Scotland*," and otherwise in Terms of the said last-mentioned Act, and that at such Rate in every Year as the said Commissioners shall deem necessary, in order to provide sufficient Funds for all the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years; and the said Assessment so to be laid on in each Year shall be payable, as for the Period from *Whitsunday* in such Year to *Whitsunday* in the Year immediately following, and may be levied either on the Proprietor or Tenant of all such Lands and Heritages; but such Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided always, that the said Commissioners shall not levy Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied and unfurnished during the whole Period to which such Assessment applies: Provided also, that the Expenses of the Period from the Fifteenth Day of *March* One thousand eight hundred and fifty-eight to the Fifteenth Day of *May*

May One thousand eight hundred and fifty-eight shall be deemed to be Expenses of the Year from *Whitsunday* One thousand eight hundred and fifty-eight to *Whitsunday* One thousand eight hundred and fifty-nine.

Regulations as to Payment of small Assessments.

XXX. In the Case of Premises within any County not situated within the Landward Part of such County, let at a Rent under Four Pounds, or for a less Period than Half a Year, Deduction shall be allowed by the said Commissioners of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished.

Commissioners of Supply may grant Relief for Assessment in case of Poverty.

XXXI. The Commissioners of Supply of any County may, on the Ground of Poverty or Inability of any Person liable in Police Assessment under this Act in respect of any Lands and Heritages in Value not amounting to Four Pounds *per Annum*, remit in whole or part Payment of the said Assessment by such Person in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Mode of recovering Assessments.

XXXII. The whole Powers and Right of issuing summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Rogue Money and the Police Assessment as hereby authorized to be assessed and levied; and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant like Warrants for the Recovery of such Rogue Money and such Police Assessment, in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Rogue Money and Police Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Disputes as to Assessments to be summarily settled.

XXXIII. Any Dispute which may arise between the Commissioners of Supply of any County, or any Person or Persons acting under them, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment of Rogue Money or any Police Assessment under this Act which it may not be competent or convenient to try and determine in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the Sheriffdom in which such Dispute shall arise, or of the Sheriffdom the Commissioners of Supply of which have laid on such Assessment; and such Sheriff shall, on a written Petition being presented to him by either of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily, and such Decision shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review.

Recited Act 2 & 3 Vict. c. 65. repealed.

As to Assessments levied prior to passing of this Act.

XXXIV. The recited Act of the Second and Third Years of Her Majesty (Chapter Sixty-five) shall be and the same is hereby repealed: Provided always, that any Constables appointed in any County under the said recited Act may continue to act as such Constables until the Appointment of Constables in such County under this Act; provided also, that any Assessments laid on and levied or in the Course of Collection under the said recited Act, prior to the passing of this Act, may be levied and applied in Terms of the said recited Act as if this Act had not been made, and any Surplus of such Assessments beyond what may be required for the Purposes of the said recited Act shall be applied to the Purposes of this Act in the County from which such Assessments are levied.

Detached Parts of Counties to be taken as Part of the County in which locally situated.

XXXV. In assessing for the Purposes of this Act, the Commissioners of Supply shall assess and tax the whole County in Terms of this Act, including all detached Parts of other Counties forming Part of such County for the Purposes of this Act, and excluding all detached Parts of their own County forming Parts of other Counties for the Purposes of this Act; and for the Purposes of this Act all detached Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary.

Sheriffs and Justices may act in detached Parts of other Counties locally situate within their Counties.

XXXVI. It shall be lawful for any Sheriff or Justice of the Peace of any County to act as Sheriff or Justice of the Peace in all Things whatsoever concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Sheriff or Justice of the Peace acts; and all Acts of such Sheriff or Justice, and of any Constable or other Officer in obedience thereto, shall be as good, and all Offenders in such detached Part may be committed for Trial, tried, convicted, and sentenced, and Judgment and Execution may be had upon them, in like Manner as if such detached Part were to all Intents and Purposes Part of the County for which such Sheriff or Justice acts; and all Constables and Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Sheriff or Justice, and to perform their several Duties in respect thereof under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Contributions to be paid on account of detached Parts of Counties.

XXXVII. It shall be lawful for the Commissioners of Supply of any County, for the Purpose of obtaining the Sum which ought to be contributed from any detached Part of any other County towards any Police Assessment under this Act, from Time to Time to issue a Warrant under the Hands of Two or more of them, by which Warrant they shall require the Commissioners of Supply of the County to which such detached Part belongs to pay to them or to their Collector under this Act, out of the Monies collected in such last-mentioned County by way of Police Assessment, the Amount mentioned in the Warrant; and the Persons to whom any such Warrant shall be directed shall, within Forty Days from the Delivery of such Warrant to them, pay the Amount or cause the same to be paid to the Collector of the County from which such Warrant shall have issued, and such Collector paying the same shall be allowed therefor in his Accounts with his County; and every such Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed; and Delivery of a Copy of any such Warrant, certified by the Clerk of Supply or Collector under this Act of the County from which it emanates, to the Clerk of Supply or Collector under this Act of the County to the Commissioners of Supply of which such Warrant is directed, shall be held to be Delivery of such Warrant to such last-mentioned Commissioners of Supply.

How such Contributions to be reimbursed.

XXXVIII. For the Purpose of reimbursing the Collector or other Person by whom any such Sum shall have been paid, the Commissioners of Supply of the County to which such detached Part belongs shall lay on a Police Assessment, at the Rate mentioned in the Warrant, upon such detached Part of their County, and such Assessment shall be levied and collected thereon in like Manner as the Police Assessment is levied and collected under this Act by the Commissioners of Supply of any County for the Expenses of the Police of their own County.

In case of Default in Payment the Amount may be levied directly on the detached District.

XXXIX. If Payment shall not be made within the said Forty Days, according to the exigency of the Warrant, or if it shall seem more convenient to the Commissioners of Supply of the first-mentioned County, it shall be lawful for them to levy the full Amount of the Police Assessment upon any such detached Part of another County in respect of which such Amount is demandable; and for the Purpose of levying and collecting such Assessments the Commissioners of Supply of such first-mentioned County shall have within every such detached Part of another County the same Powers which they have for levying and collecting Police Assessments under this

Act within the Limits of their own County, and such Assessments may be levied and collected by the like Methods as if such detached Parts of another County were to all Intents Part of such first-mentioned County.

Collector under this Act to be appointed by Commissioners of Supply.

XL. The Commissioners of Supply of every County shall from Time to Time appoint One or more Collectors of Police Assessments under this Act to act during their Pleasure; and each such Collector shall be allowed, by way of Remuneration for collecting Assessments authorized to be levied under this Act, and for the Performance of the whole Duties of his Office under this Act, a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums as he shall collect and receive; and each such Collector, before he shall be permitted to take upon him the Execution of the said Office, shall grant Bond, with a sufficient Surety or Sureties, to the said Commissioners, for his Intromissions, and for the just and faithful Execution of his Office, to such an Amount as the said Commissioners shall think reasonable; and any Collector who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum of Money received by him as Collector shall forfeit treble the Amount thereof to the said Commissioners, and that without Prejudice to any Punishment to which he may be liable in respect thereof; and any Collector of Police Assessment under this Act may act as Collector of any other Assessment, Rate, or Tax which is or may be leviable under any Act of Parliament or otherwise.

Collector to lodge all Monies received by him in Bank.

XLI. Every Collector of every County under this Act shall be bound to lodge all Money received by him in a Bank of Issue, or in One of the Branches of such Bank within the County, to be fixed by the said Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Commissioners or the Police Committee to be appointed under this Act, or any Two or more of them, or by any Person to be appointed for that Purpose by such Commissioners or Police Committee for the Purposes of this Act.

Collector, &c. to keep separate Accounts of Receipts and Expenditure.

XLII. The Collector of every County, and every Officer of the County, or other Person intromitting with any Sums received or paid under this Act, shall keep a separate Account thereof, and shall produce the same when called upon, and at least once in every Year, to the Commissioners of Supply, by whom the same shall be examined, and, if allowed, passed.

In case of Insolvency of Collectors, Deficiency may be assessed.

XLIII. In case any Collector shall become insolvent, and that any Sums chargeable against him shall not be paid by him or his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed along with and as Part of the next or any succeeding annual Assessment under this Act.

XLIV. Accounts

Books of Accounts and Minutes of Proceedings to be kept by Commissioners of Supply.

XLIV. Accounts of all Property, Heritable and Moveable, vested in the Commissioners of Supply for the Purposes of this Act, showing the Return of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the said Commissioners, shall be kept in Books by the Clerk of Supply, Collector, or other Person who may be appointed by the Commissioners; and all such Books of Accounts and Proceedings whatsoever may at all reasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed and hear and determine the Matter of such Complaint, and his Decision shall be final.

Accounts of Receipts and Expenditure to be annually made out and published.

XLV. The Commissioners of Supply of every County shall annually, and previous to the Fifteenth Day of *March* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied during the Year to *Whitsunday* immediately preceding; and such Account, so soon as the same shall have been audited as herein-after provided, shall be signed by the Convener or any Two of the Commissioners of Supply and the Clerk of Supply, and shall be deposited with such Clerk of Supply, who shall forthwith cause to be printed and inserted in One or more of the Newspapers published or circulating in the County authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act within such County to inspect and examine such Accounts, at all reasonable Times, without Fee or Reward.

Auditors to be appointed.

XLVI. The Commissioners of Supply of every County shall annually appoint One or more Persons, not being Commissioners, to be Auditor or Auditors of the Accounts of the Commissioners under this Act, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final.

Auditors to inspect and audit Accounts, and Appeal may be taken against any Part of such Audit to the Sheriff.

XLVII. The Auditors so appointed shall attend at such Time and Place as may be fixed by the said Commissioners, and from Time to Time shall proceed to audit the Accounts of the said Commissioners for the preceding Year; and the said Commissioners shall, as soon as may be after the Twenty-fifth Day of *March* in every Year, lay before such Auditors the Accounts for the Year to Fifteenth Day of *March* preceding, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Ratepayer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct, such Auditors shall sign the same in token of their Allowance thereof; but if such Auditors think there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the said Commissioners be dissatisfied with the Result of such Audit, they may appeal to the Sheriff, whose Decision shall be final: Provided always, that the said Audit shall be completed in every Year as soon as may be after the said Twenty-fifth Day of *March*, and at latest by the Thirtieth Day of *April* in such Year; provided also, that unless the Balance, as ascertained and fixed by the Auditors, shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

Three Commissioners of Supply to be a Quorum.

Preses at Meetings to have Casting Vote.

XLVIII. In all Proceedings under this Act any Three Commissioners of Supply shall be deemed to be a Quorum of such Commissioners, and shall be entitled to exercise all the Powers conferred on the general Body of Commissioners under this Act, and the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote in addition to his own Vote.

XLIX. In all Meetings of Commissioners of Supply under

Convener to act as Preses.

or with reference to this Act, their Convener, or, in the Absence of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting.

Papers and Documents emanating from the Commissioners of Supply and Police Committee how to be authenticated.

L. For the Purposes of this Act the Signature of the Convener or of the Preses of a Meeting of Commissioners of Supply or of the Chairman or Preses of a Meeting of the Police Committee adhibited to any Paper or Document shall be equivalent to the Signatures of the whole Commissioners of Supply or of the whole of the Police Committee present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Convener," "Chairman," or "Preses" shall be good *primâ facie* Evidence that such Signature is the Signature of such Convener, Chairman, or Preses, as the Case may be, and that such Paper or Document is genuine and authentic.

Actions by or against Commissioners of Supply how to be brought, and not to abate.

LI. All Actions, Suits, or Proceedings in respect to any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners of Supply of any County shall be in the Name of the Clerk of Supply or Collector appointed under this Act for the Time being, as the Party Pursuer or Defender representing the said Commissioners; and no such Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of the Clerk of Supply or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk of Supply or Collector, or by any Change in the said Commissioners; but the Clerk of Supply or Collector for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Power to grant, out of the Superannuation Fund, Gratuities to incapacitated Constables.

LII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, and upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who is Sixty Years of Age, is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office, to order that such Constable shall receive, out of the Police Assessment to be levied as aforesaid, such Sum in gross, as a Gratuity upon his Retirement, as to the said Commissioners of Supply may seem proper.

Power to grant Superannuations to Chief Constables.

LIII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, a Sum by way of Superannuation Allowance, and such Superannuation Allowance shall be paid out of the Police Assessments to be levied under this Act, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly: Provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age unless such Commissioners of Supply be satisfied that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office: Provided always, that all such Sums or Allowances shall be subject to the following Conditions, and shall not exceed the following Proportions; (that is to say,) if the Constable retiring shall have served for Fifteen Years and less than Twenty Years, a Sum which shall not be more than equal to Three Years Pay; if for Twenty Years and upwards, a Sum which shall not be more than equal to Five Years Pay: Provided also, that if any such Constable shall be disabled or killed in the actual Execution of his Office it shall be lawful to pay him or his Heirs a Sum which shall not be more than equal to Eight Years Pay, but nothing herein contained shall entitle any Constable absolutely to any Gratuity or Allowance.

On Establishment of County Constabulary under this Act old Police Force to be discontinued.

LIV. Upon the Appointment of Constables under this Act in any County the Power to appoint and pay, and to make Assessments for paying, any Constables under the Provisions of any Act (except as regards any Burgh within such County) other than this Act shall cease and determine, and all Sums of Money then already levied for the Purpose of such other Constables shall be applied, after defraying all Charges to which the same are then liable, in and towards the Purposes of this Act so far as regards such County: Provided always, that all Arrears of Assessments made for the Purposes aforesaid shall be levied and collected as if this Act had not been made; provided also, that nothing herein contained shall prevent or invalidate the Appointment of any Constable not paid out of County Assessments: Provided always, that in the event of any Burgh being consolidated with any County as after mentioned, it shall be lawful to stipulate that the Assessment levied within such Burgh shall be assessed in the same Way, and recovered from the same Persons, as had previously been in use in regard to the Police Assessment within such Burgh.

Station Houses and Strong Rooms or Lock-ups to be provided.

LV. It shall be lawful for the Commissioners of Supply of any County, if they think fit, to order that Station Houses and Strong Rooms or Lock-ups, or any or either of them, for the temporary Confinement of Persons taken into Custody by the Constables, be provided upon such Plan as shall be approved by One of Her Majesty's Principal Secretaries of State, and for that Purpose to purchase and hold or to rent or hire Lands and Heritages, or to appropriate to that Purpose any Lands or Heritages belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation, and the Expense of building, purchasing, hiring, or otherwise providing, repairing, and furnishing such Station Houses and Strong Rooms or Lock-ups, and all other Expenses attending the same, shall be defrayed out of the Police Assessments to be made and levied in Terms of this Act.

Provisions of 8 & 9 Vict. c. 19. for Purpose of Purchase of Station-houses, &c. incorporated with this Act.

LVI. For facilitating the Purchase of Lands and Heritages for the Purposes of this Act, the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," except the Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with this Act; and the Expression "the Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall, for the Purposes of such Incorporation, mean the Commissioners of Supply of any County.

Money may be borrowed on Credit of Police Assessments.

LVII. It shall be lawful for the Commissioners of Supply of any County to borrow Money for the Purpose of purchasing any such Lands and Heritages, or of building any such Station Houses and Strong Rooms or Lock-ups, and to charge the future Police Assessments with the Amount of the Loan, and with Interest thereon: Provided always, that any Money borrowed for such Purpose shall be repaid by yearly Instalments, of not less than One Twentieth Part of the Sum borrowed, with Interest on the same, in any One Year.

Police Districts may be formed.

LVIII. It shall be lawful for the Commissioners of Supply of any County, if they shall be of opinion that a Distinction ought to be made in the Number of Constables appointed to keep the Peace in different Parts of such County, to divide such County (including any detached Portion of another County united thereto) or any Part thereof into Police Districts, consisting of such Parishes and Places, or Parts of Parishes and Places, as shall appear to them most convenient, and to declare the Number of Constables which ought to be appointed for each such Police District, and from Time to Time to alter the Extent of such Police Districts, and the Number of Constables to be appointed for each; and a Report of every such proposed Division or Alteration, and of the Number of Constables proposed for each Police District, with an Estimate of its Extent and Population, and of any other Circumstances upon which such Determination shall have been grounded, shall be sent to One of Her Majesty's Principal Secretaries of State, and, if approved by such Secretary of State, such Division or Alteration shall be deemed to be and shall be completed.

LIX. If

Each Police District to pay for its own Constables.

LIX. If the Secretary of State shall approve of such Division of the County or of any Part thereof into Police Districts for the Purpose aforesaid, the Expense of putting this Act into execution in such County or Part of such County shall be classed under Two Heads of General Expenditure and Local Expenditure; and the General Expenditure shall be defrayed in common by all the Districts, and the Local Expenditure, consisting of the Expense of the Salaries and Clothing of the Constables appointed for each District, and such other Expenses as the Commissioners of Supply, subject to the Approval of the Secretary of State, shall direct to be included under this Head, shall be defrayed by each Police District separately; and the Assessments under this Act shall be assessed and levied in such Police District accordingly: Provided always, that, notwithstanding the Division of any County or Part of any County into Police Districts, the Constables of all such Districts shall continue as Part of the same Force, and be subject to the same Authority, and be liable, if required, to perform the same Duty, in any Part of the County or elsewhere, as if no such Division into Police Districts had been made.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

LX. In case it shall appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under this Act, will be liable to contribute, to the Police Assessment of any County for the Purposes of this Act, that a Distinction ought to be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Commissioners of Supply of such County to exercise the Powers given by this Act for the Division of such County into Police Districts; and such Commissioners of Supply shall thereupon, in manner directed by this Act, and subject to such Approval as herein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and in the event of such Police Districts or Number of Constables as so declared not being approved by the Secretary of State, he shall fix and apportion the same; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in this Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by this Act, and the Assessments imposed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the *Edinburgh Gazette* One Month at least before such Petition shall be considered.

Burghs may agree to consolidate their Police with County Police.

LXI. It shall be lawful for the Commissioners of Supply of any County, and for the Magistrates and Town Council of any Burgh situated in or adjoining to such County, to agree together for the Consolidation of the County and Burgh Police Establishments; and in every such Case all the Constables appointed either for the County or the Burgh shall have all the Powers, Privileges, and Duties throughout the County and the Burgh and the adjoining Counties which Constables appointed for any County have within such County or adjoining Counties under this Act, and all the Provisions of this Act shall be taken to apply to the Burgh Constables as well as to the County Constables; and the Magistrates and Council of the Burgh shall thereupon forthwith, and thereafter annually on or before the Thirtieth Day of *April*, appoint to be Members of the Police Committee herein-before mentioned One or more of their Number as may have been fixed in such Agreement, who, while the Agreement subsists, shall have the like Powers, as Members of such Committee, with the Members appointed by the Commissioners of Supply; and every such Agreement which shall have been agreed to by the Commissioners of Supply of the County on the one hand, and by the Magistrates and Town Council of the Burgh on the other hand, shall be binding on both Parties as soon as a Memorandum of such Agreement shall be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County on behalf of the County, and by the Chief Magistrate and Town Clerk of the Burgh on behalf of the Burgh; and when any such Agreement shall have been made between any County and any Burgh, either Party shall be empowered to put an end thereunto without the Consent of the other Party, after Six Months Notice in Writing shall have been given to the other Party; such Notice, if given by the County, to be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County, and, if given by the Burgh, to be signed by the Chief Magistrate and Town Clerk of the Burgh: Provided always, that no such Notice shall be given by the County or by the Burgh, unless in either Case such Notice shall be agreed upon by a Majority of Three Fourths of a Meeting of the Commissioners of Supply of the County, specially convened for the Purpose, or at One or other of the statutory Meetings of the Commissioners of Supply, Fourteen Days Notice having been given of the Intention to bring such Subject before the Meeting, or Three Fourths of the Magistrates and Town Council of the Burgh; and no such Notice shall be given by any County or Burgh without Consent of One of Her Majesty's Principal Secretaries of State.

Provisions for Government of County and Burgh Police when consolidated.

LXII. In all Cases where the Establishment of County and Burgh Constables shall be consolidated into One Police Establishment, the Chief Constable of the County shall have the general Disposition and Government of all such Constables, subject to the Provisions herein-after contained, and at his Pleasure may dismiss all or any of them; and whenever the Chief Constable shall dismiss One of the Burgh Constables he shall report the Fact, with his Reasons for the Dismissal, to the Chief Magistrate of the Burgh; and the Police Authorities of the Burgh having Power to that Effect shall forthwith appoint another Constable properly qualified, unless Provision shall be made in such Agreement that all Constables shall be appointed by the Chief Constable; and no Burgh Constable who shall have been dismissed by the Chief Constable shall be capable of being reappointed for the same Burgh without the Consent of the Chief Constable; and no Constable of any Burgh whose Establishment of Constables is consolidated with the Establishment of County Constables shall be dismissed by any Police Authority of the Burgh during the Time that any Agreement for such Consolidation shall be in force.

Her Majesty in Council, on Representation from Burghs, may arrange Terms of Consolidation of Police with Counties.

LXIII. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Magistrates and Town Council of any Burgh that Application has been made by such Magistrates and Council to the Commissioners of Supply of any County in or adjoining to which such Burgh is situated, to consolidate the Police of such County and Burgh in the Manner provided by this Act, and that such Consolidation has not been effected, it shall be lawful for such Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect; and thereupon the Provisions of this Act shall become applicable as if such Consolidation had been effected by an Agreement made under this Act; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council shall seem just.

Annual Statement as to Crime in Counties

LXIV. The Sheriffs of Counties and Magistrates of Burghs shall in the Month of *October* in every Year transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such and Burghs to be furnished to Secretary of State.

such Form as One of such Secretaries may from Time to Time direct, for the Year ending the Twenty-ninth Day of *September* then last, of the Number of Offences reported to the Police within all Counties and Burghs respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such Counties and Burghs which such Sheriffs or Magistrates may think it material to furnish, and a classified Abstract of all such Reports shall be annually prepared and laid before Parliament.

Her Majesty may appoint Inspector of Police.

LXV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint, during Her Majesty's Pleasure, One Inspector under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Burgh, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, and other Premises occupied for the Use of such Police; and the Inspector so appointed shall report generally upon such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Report to be laid before Parliament: and such Inspector shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salary and Allowances as may be determined by the Commissioners of Her Majesty's Treasury.

On Certificate of Secretary of State that an efficient Police has been established in any County or Burgh, One Fourth of the Charge for Pay and Clothing to be paid by the Treasury;

LXVI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State that the Police of any County or Burgh has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year or Period ending on the Fifteenth Day of *March* in each Year, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay, from Time to Time, out of any Monies to be provided by Parliament for the Purpose, such a Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing: Provided, that before any such Certificate shall be finally withheld in respect of the Police of any County or Burgh, the Report of the Inspector relating to the Police of such County or Burgh shall be sent to the Commissioners of Supply of such County, or to the Magistrates or other Police Authority of such Burgh, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Commissioners of Supply or Magistrates or other Police Authority as aforesaid, shall be laid before Parliament.

LXVII. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Burgh, not being consolidated with the Police of a County under this Act, the Population of which Burgh, according to the last Parliamentary Enumeration for the Time being, does not exceed Five thousand.

No such Sum to be paid to any Burgh where Population does not exceed 5,000, &c.

LXVIII. Every Penalty imposed by this Act may, unless otherwise specially provided, be recovered by summary Proceeding upon Complaint in Writing made in Name of any Chief Constable or Superintendent of Police, or Constable, or Clerk of Supply, to the Sheriff or Justices of the Peace of the County in which the Offence shall have been committed, or to the Sheriff or Justices of the Peace of any County in which the Offender may be found; and on such Complaint being made such Sheriff or Justices shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded, and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff or Justices to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff or Justices shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Months.

Recovery of Penalties under this Act.

LXIX. The Sheriff or Justices by whom every Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

Application of Penalties.

Parishes of Cumbernauld and Kirkintilloch to be considered as Part of County of Dumbarton.

LXX. The Parishes of *Cumbernauld* and *Kirkintilloch* shall be considered as forming Part of the County of *Dumbarton*, unless a Majority of Two Thirds of the Commissioners of Supply of the County, and of Two Thirds of the Commissioners of Supply qualified within the said Parishes, shall be of opinion that it would be more for the public Advantage that they should, for the Purposes of this Act, be considered as forming Part of the County of *Stirling* or of the County of *Lanark*, in which Case they shall form Part of such One of the said Counties as shall be agreed to by the Majority of Commissioners of Supply as aforesaid.

Parishes of Tulliallan and Culross, and Perthshire Portions of Logie, to be considered as Part of County of Clackmannan, and Perthshire Portions of Fossoway and Muckhart as Part of County of Kinross.

LXXI. For the Purposes of this Act, the Parishes of *Tulliallan* and *Culross*, and the *Perthshire* Portions of the Parish of *Logie*, shall be considered as forming Part of the County of *Clackmannan*, and the *Perthshire* Portions of the Parishes of *Fossoway* and *Muckhart* shall be considered as forming Part of the County of *Kinross*: Provided always, that if the Heritors and Ratepayers of the *Perthshire* Portion of the Parish of *Logie* shall, within Six Months after the passing of this Act, at a Meeting specially called by public Advertisement, upon the Requisition of not fewer than Five of their Number, to consider the Provisions of this Act, resolve that it is expedient that such Portion of the Parish shall be connected with the County of *Perth*, then such Portion of the Parish shall be connected with such County for the Purposes of this Act; and if the Heritors and Ratepayers of the Parishes of *Fossoway* and *Muckhart* shall, at a Meeting called in like Manner upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that the *Perthshire* Portions of such Parishes shall be connected with the County of *Perth*, then they shall be connected with such County accordingly for the Purposes of this Act; and if the Heritors and Ratepayers of the Parishes of *Tulliallan* and *Culross* shall, at a Meeting called in like Manner, and within a like Time, upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that such Parishes shall be connected with the County of *Perth*, then they shall be connected with such County accordingly; and if the Heritors and Ratepayers of the Parish of *Alva* shall, at a Meeting called in like Manner, and within a like Time, upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that such Parish shall be connected with the County of *Stirling*, then such Parish shall be connected with the County of *Stirling* accordingly.

Burghs not having a

LXXII. It shall be lawful for any Burgh which may not, at the passing of this Act, have a Police Act or an Establishment

ment of Police under the said recited Acts of Third and Fourth of King *William* the Fourth, Chapter Forty-six, or of the Thirteenth and Fourteenth of Her Majesty, Chapter Thirty-three, to establish a Police therein, under the Provisions of the said recited Acts or either of them, within Six Months after the passing of this Act; and in the event of such an Establishment of Police being therein adopted within the said Period, such Burgh shall not be deemed, for the Purposes of this Act, to form Part of the County within which it is situated.

Police Establishment may adopt One within Six Months.

LXXIII. If under this Act any Burgh being a Royal or Parliamentary Burgh or Burgh of Barony or Regality, containing by the Government Census immediately preceding more than Two thousand Inhabitants, shall be comprehended in and form Part of any County or District for the Purposes of this Act, the Chief Magistrate of such Burgh shall be an *ex officio* Member of the Police Committee of the County or District: Provided always, that there shall never be more than Two such Members of any Police Committee, and if more than Two such Burghs shall be so comprehended, the Chief Magistrates of such Burghs shall be Members of the Committee in annual Rotation, the Chief Magistrates of the Two Burghs which contain the greatest Amount of Population, as shown on such Census, being Members of the Committee for the Year commencing on the First Day of *November* next, and the like Order being observed annually in regard to the Chief Magistrates of the other Burghs respectively.

In Royal Burghs, &c., containing more than Two thousand Inhabitants, Chief Magistrate to be an ex officio Member of Police Committee.

LXXIV. Nothing in this Act shall impair or diminish the Powers or Jurisdiction of the Magistrates of any Royal or Parliamentary Burgh or any Burgh of Barony or Regality which may form Part of any County or District under this Act; and such Magistrates shall be entitled to require any Constable appointed to be on Duty within such Burgh to execute their lawful Orders and Warrants relative to and within the Limits of such Burgh; and such Magistrates shall have the like Jurisdiction in respect of Neglect or Violation of Duty on the Part of a Constable within Burgh as is herein-before conferred on the Sheriff or Two Justices.

Act not to diminish Powers of Magistrates of Royal and other Burghs which may form Part of any District under this Act.

LXXV. If within Six Months after the Date of this Act the Inspector shall report to One of Her Majesty's Principal Secretaries of State that any Burgh maintains out of the common Good of the Burgh, or any Funds other than Assessment, a complete and efficient Police Force for the Purposes of such Burgh, such Burgh shall be considered and dealt with, as long as the Inspector shall continue so to report but no longer, as if it maintained a separate Police Force under a Police Act.

Any Burgh maintaining efficient Police to be dealt with as if it maintained a separate Police Force under a Police Act.

LXXVI. This

Act not to extend to Orkney or Shetland unless Her Majesty shall so direct.

LXXVI. This Act shall not extend to *Orkney* or *Shetland*, unless Her Majesty in Council, on the Application of the Lord Advocate, or of the Sheriff Principal of the County, or of the Commissioners of Supply of *Orkney* or *Shetland*, shall so direct.

Act not to affect Railway, &c. Police.

LXXVII. This Act shall not affect any Police Force maintained in respect of any Railway, Canal, or navigable River under Private or Local Acts of Parliament.

Interpretation of Terms.

LXXVIII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall exclude or be repugnant to such Construction; (that is to say,) the Word "County" shall include Stewartry, and shall extend to all Harbours, Bays, Lochs, or Anchorages within the County or Stewartry, and also all Burghs and Places within the County or Stewartry, not being a Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of the recited Act of the Third and Fourth of King *William* the Fourth (Chapter Forty-six), or of the recited Act of the Thirteenth and Fourteenth of Her Majesty (Chapter Thirty-three); the Word "Burgh" shall mean a Royal or Parliamentary or other Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of one or other of the Two last-mentioned Acts; the Expression "Landward Part of a County" shall include and apply to a County, exclusive of the Burghs situated therein; the Word "Sheriff," and the Words "the Sheriff," shall include Sheriff Substitute as well as Sheriff; the Expression "Lands and Heritages" shall have the like Signification as in the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one); the Expression "Commissioners of Supply," or "Commissioners of Supply of the County," shall mean the Commissioners of Supply of the County, exclusive of any Burgh or detached Part of any other County adjoining or locally situated within the same, and inclusive of any detached Part of such first-mentioned County locally situated in any other County; the Word "Constable" shall include "Chief Constable" and "Superintendent of Police," and every Grade of Constable or Police Officer; the Words "Clerk of Supply" shall extend and apply to any Person executing the Duties of Clerk of Supply, or who may be appointed by the Commissioners of Supply to be Clerk of Supply for the Purposes of this Act; the Words "Sheriff Clerk" shall extend to and apply to any Person executing the Duties of Sheriff Clerk; and the Word "Month" shall mean "Calendar Month."

CAP. LXXIII.

CAP. LXXIII.

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.—[*25th* August 1857.]

WHEREAS it is expedient to make Provision for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

From and after 1st Aug. 1858, all Furnaces within the Limits of the Act to consume their own Smoke.

I. From and after the First Day of *August* One thousand eight hundred and fifty-eight, every Furnace employed or to be employed in the working of Engines by Steam, whether locomotive or otherwise, in any Place to which this Act shall apply, or on board of any Steam Vessel stopping at or in any such Place, or in or at any Port, Pier, Landing Place, or Harbour within the same, or when plying on any Part of a River which at such Part shall not exceed a Quarter of a Mile in Breadth, and every Furnace employed or to be employed in any Mill, Factory, Distillery, Brewhouse, Sugar Refinery, Bakehouse, Gasworks, Waterworks, (although a Steam Engine be not employed therein), or in any Public Bath or Wash-house within the same, although such Public Bath or Wash-house shall not be used for the Purposes of Trade or Manufacture, shall in all Cases be constructed or altered so as to consume or burn the Smoke arising from such Furnace; and if any Person or Company shall, after the First Day of *August* One thousand eight hundred and fifty-eight, use in any such Place, or on board of any such Steam Vessel, any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, every Person or Company so offending, being the Owner or Occupier of the Premises or the Owner of the Locomotive Engine in which any such Furnace shall be, or being a Foreman or other Person employed by such Owner or Occupier in connexion with such Furnace, or being the Owner or Master or other Person in charge for the Time being of any such Steam Vessel, shall, upon a summary Conviction for such Offence before the Sheriff or Sheriff Substitute of the County, or any Two Justices having Jurisdiction within the Place within which, or adjacent to the Port, Pier, Landing Place, River, or Harbour in which, the Offence against this Act is alleged to have been committed, where such Place is not a Burgh, and where such Place is a Burgh then before the Sheriff or Substitute of the County within which or within any Part of which the same shall be situate, or before the Magistrate of such Burgh, forfeit and pay a Sum not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, and shall also pay to the Local Authority the whole Costs incurred in the Proceedings for the Recovery of any such Penalty.

Power to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same.

II. Provided always, That the Words "consume or burn the Smoke" shall not be held in all Cases to mean "consume or burn all the Smoke;" and that the Sheriff, Sheriff Substitute, Magistrates, or Justices before whom any Person shall be summoned may remit the Penalties enacted by this Act, if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to consume or burn as far as possible all the Smoke arising from such Furnace, and has carefully attended to the same, and consumed or burned as far as possible the Smoke arising from such Furnace; and it shall be lawful for such Sheriff, Sheriff Substitute, Magistrates, or Justices, with the Consent of such Person, on the Hearing of the Petition herein-after mentioned, to appoint a competent Person to examine such Furnace, and to report thereupon whether it has been so constructed or altered.

No Complaint to be brought except by Local Authority, &c.

III. Provided always, That no Complaint shall be brought against any Person for the Recovery of any Penalty under this Act, except by the Local Authority, or by the Owner or Occupier of Premises with reference to which the Furnace is so situate as to create an Annoyance to the Occupiers of such Premises, and in either Case with the Concourse of the Lord Advocate.

All Complaints brought and all Applications to Sheriff, &c. to be by summary Petition, &c.

IV. All Complaints which shall be brought, and all Applications to the Sheriff, Sheriff Substitute, Magistrates, or Justices to enforce any Provision of this Act, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Sheriff Substitute, Magistrates, or Justices shall thereupon appoint the Petition to be answered within Three Days, or may order the Parties to attend him or them in Person forthwith, and on advising such Answer, or hearing the Parties, may at once decern, or may, if either Party desire it, order Proof to be led on any specific Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed, may adjourn the same from Time to Time until completed, and within Three Days after such Completion shall give Decree, and may find the Party complained of liable in Expenses, and may grant Warrant for the Recovery of the Penalties and Expenses decerned for, and failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period at the Discretion of the Sheriff, Sheriff Substitute, Magistrates, or Justices, not exceeding Fourteen Days.

No written Pleadings, &c. allowed.

V. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed; and the Sheriff, Sheriff Substitute, Magistrates, or Justices shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Justices and Magistrates not to act, where Expense of altering Furnace, &c. will exceed a certain Sum.

VI. Where it shall appear to the Magistrates or Justices before whom any Party may be cited under this Act that the Cost of the Operations necessary to alter or amend any Furnace complained of will exceed the Sum of Twenty-five Pounds, they shall certify or endorse their Opinion to that Effect on the Petition, and sign the same, and it shall thereupon be incompetent for the Local Authority to proceed further before them in the Matter of such Petition, without Prejudice nevertheless to his instituting Proceedings of new in the same Matter before the Sheriff or Sheriff Substitute.

Appeal in certain Cases.

VII. Where it shall appear to the Sheriff Substitute that the Cost of the Operations necessary to alter or amend any Furnace complained of will exceed the Sum of Twenty-five Pounds, he shall certify an Opinion to that Effect in the Decree, and the Parties shall thereupon be entitled to appeal to the Sheriff, on lodging within Three Days after the Decree a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of the Evidence, to the Sheriff, who shall thereupon proceed to give Judgment as aforesaid; and in the event of either Party being dissatisfied with such Judgment he or they shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills, for Relief against such Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of

Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final, and in no Case subject to Review.

Expense may be awarded against the Local Authority or Party complaining.

VIII. It shall be competent to the Sheriff, Sheriff Substitute, Magistrates, or Justices to award Expenses against the Local Authority, or against any Party complaining with Concourse as aforesaid, in any Case in which he or they may think fit, and such Expenses shall be paid accordingly.

No Appeal.

IX. No Appeal from nor Suspension of any Decree or Sentence under this Act shall be competent, nor shall any Decree or Sentence be subject to any Review whatever, save in Cases certified as aforesaid.

Service of Notices and Petitions.

X. Notices and Petitions under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are addressed, or on whom they are intended to be served, and in the Case of Companies at their nearest Office, Station, or Place of Business, or by being put into the Post Office duly addressed to the Parties as aforesaid, or they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or One of the Crew of such Steam Vessel.

One or more joint Owners may be proceeded against alone.

XI. In case of any Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, or Owners of such Steam Vessel or Locomotive, may be jointly answerable, it shall be sufficient to proceed against any one or more of them, without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

As to Expenses incurred in executing this Act.

XII. All Charges and Expenses incurred by the Local Authority in any Proceeding under this Act, in any Place to which this Act shall apply, and not recovered as herein-before provided, may be defrayed out of an Assessment to be levied along with, and in like Manner and under like Powers, which are hereby given, as the Assessment for the Relief of the Poor of the Parish or Place in which the Penalties may have been incurred, or, where there is no such Assessment, by an Assessment levied in such manner as an Assessment might have been levied for the Relief of the Poor.

How Moneys recovered under this Act to be applied.

XIII. All Moneys recovered by a Local Authority under this Act shall be applied towards the Expense of executing and enforcing this Act, and any Surplus which may thereafter remain shall be paid to the Parochial Board of the Parish or Combination of Parishes in which the Premises complained of may have been situated, and shall by them be applied in aid of the Rates or Funds for the Relief of the Poor of such Parish or Combination of Parishes.

XIV. In this Act the Word "Place" shall mean every City or Royal Burgh in *Scotland*, and shall include the whole Area contained within the Parliamentary or Police Limits or Boundaries thereof, provided the same comprehend a Population of not less than Two thousand, and shall also mean and include every Burgh of Barony, Burgh of Regality, containing a similar Amount of Population, according to the Census for the Time being presented to both Houses of Parliament by Command of Her Majesty; and the Expression "Local Authority" shall mean the Procurator Fiscal of the Burgh or County, or of any District thereof, or the Commissioners of Police acting under any Local or General Act of Parliament within any such Place or any Part thereof. Interpretation of Terms.

CAP. LXXIV.

An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in England.—[25*th* August 1857.]

CAP. LXXV.

An Act to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of Siam.—[25*th* August 1857.]

CAP. LXXVI.

An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.—[25*th* August 1857.] (England.)

CAP. LXXVII.

An Act to amend the Law relating to Probates and Letters of Administration in England. — [25*th* August 1857.]

CAP. LXXVIII.

An Act to amend the Act Seven and Eight Victoria, *Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts,* 1848 *and* 1849."—[25*th* August 1857.]

7 & 8 Vict. c. 111.

WHEREAS it is expedient to amend the Act Seven and Eight *Victoria*, Chapter One hundred and eleven, intituled *An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements*, and also to amend the "Joint Stock Companies Winding-up Acts 1848 and 1849," and also to make Provision for the more equal Distribution amongst Creditors as well of the Assets to arise from the separate Estates or Contributions of Shareholders in any Company as of the joint Assets thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Judge or Master by Advertisement may call Meetings of Creditors to appoint Representative of Creditors.

I. In all Cases in which an Order heretofore has been or hereafter shall be made for the Dissolution and Winding up or for the winding up of any Company, it shall be lawful for the Judge or Master charged with the winding up of any Company, at the Instance of any Creditor of such Company or otherwise, in all Cases in which it shall appear expedient, and for the Benefit of the Parties interested, in and by the Advertisement for Proof of Debts required by the Seventy-second Section of the "Joint Stock Companies Winding-up Act, 1848," or by subsequent Advertisements, or by Notice transmitted to each of the Creditors by Post, as directed by the said Two before-mentioned Acts, from Time to Time to call upon the Creditors of the Company to meet before such Judge or Master at such Time and Place as shall be fixed by him, for the Purpose of appointing One or more Person or Persons other than the Official Manager to represent all the Creditors of the said Company in and about the said Proceedings before him, or in and about so many and such of the same Proceedings as to such Judge or Master shall from Time to Time seem expedient; and it shall be lawful for Two Thirds in Value of the Creditors present at such Meetings, whose Debts shall have been proved before the said Judge or Master, or who shall previously to such Meeting have lodged an Affidavit of their Debt before him, and who would be entitled to vote in the Choice of Assignees under a Bankruptcy, by themselves or by some Person authorized by any Letter or Writing under the Hand of such Creditor, and which Letter or Writing shall require no Stamp Duty to be paid thereon, to choose some Person or Persons to represent all the Creditors of any such Company accordingly ; and the Proceedings of such Meeting shall be conducted before and by the said Judge or Master in the same Manner as would be the Case if the said Creditors were proceeding to the Election of Assignees in Bankruptcy ; provided, that the said Judge or Master may reject any Person or Persons so chosen who shall appear to him unfit to be such Representative or Representatives, or may remove any such Representative or Representatives, and upon such Rejection or Removal a new Choice of a Representative or Representatives shall be made in like Manner ; and from and after the issuing of any such Advertisement as aforesaid all the Creditors of the said Company shall be deemed Parties to the Winding-up : Provided always, that in case such Company heretofore has been or hereafter shall be adjudged bankrupt, the Assignees of the Estate and Effects of such Bankrupt Company shall be deemed and taken to be and they are hereby constituted (without such Advertisement or Meeting as herein-before mentioned) the Representatives of the Creditors for the Purposes of this Act, and shall have and exercise the same Rights and Powers as are hereby given to or vested in such Representative or Representatives ; and provided also, that if any such Representative or Representatives of the Creditors shall have been chosen or appointed in the Matter of the winding up of any Company before the Appointment of Assignees under the Adjudication of Bankruptcy against the same Company, then upon such Appointment of Assignees the Rights, Powers, and Authorities of such Representative or Representatives shall cease and determine, and the same Rights, Powers, and Authorities shall thereupon become vested in and may lawfully be had and exercised by such Assignees as aforesaid ; and such Representative or Representatives shall be entitled to his or their reasonable Costs in the Matter of the winding up of such Company.

After such Advertisement, Creditors to be deemed Parties to the Winding-up.

Assignees of Bankrupt Companies to be such Representatives.

II. Whenever any such Company heretofore has been or hereafter shall be declared bankrupt, and no Winding-up Order shall have been made before such Company shall have become bankrupt, the Assignees may, with the Leave of the Court of Bankruptcy first obtained, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors, or any Proportion of them, as the said Court shall think

Where Company bankrupt, and no Winding-up Order, Assignees may compromise with

Shareholders so as to bind all the Creditors.

think fit to direct, and whether the whole of the Assets of such Company shall have been collected or converted or not, and having regard to the sufficiency of the Assets of the Company for Payment of the Debts or Liabilities of such Company, and also to the Solvency and Means of the several Shareholders or Members of such Company, or any One or more of them, or to such other Matters as the said Court may deem material, accept and take from all or any or either of the Shareholders or Members of such Company such reasonable Sum or Sums in discharge and satisfaction of the Liability of all and every the Shareholders and Members, or any or either of them, to the Debts and Liabilities of such Company, in such Manner and at such Times as the Assignees for the Time being of the Estate of such Company shall think fit, or make any other Compromise, Composition, or other Arrangement in the Matter; and all such Sum or Sums as shall be payable thereunder shall be paid to and received by the Official Assignee, and shall be applied as Part of the Estate and Effects of such Company; and the said Court shall, at the Request of the Assignees for the Time being of such Company, give to the several Shareholders and Members, or such of them as shall be so discharged, a Certificate under the Hand and Seal of the Commissioner, setting forth the Circumstances of such Discharge, so far as he may deem the same material, and such Certificate shall thenceforth operate to all Intents and Purposes as an absolute Release to the Shareholders and Members to whom the same shall relate, and may be by them pleaded and used in bar and in discharge of any Action Execution, or other Proceeding by any Creditor whose Debt or Claim is by Law provable under such Bankruptcy; and every such Shareholder and Member shall be entitled, as between himself and the other Shareholders or Members of the Company, to Credit in respect of such Sum or Sums as shall by such Certificate be declared to have been paid by him.

Representatives of Creditors may concur in Proceedings, and in Compromises.

III. It shall be lawful for such Representatives or Representative as herein-before mentioned to join and concur or take part in all the Proceedings in and about the winding up of the said Company, or such of the same Proceedings as the Judge or Master shall deem expedient for the Interest of the Creditors, and also, subject as herein-after is mentioned, and so far as the Creditors of the said Company are concerned, to make or enter into, take part in, consent to, or approve of any Compromise, Composition, or Arbitration or other Arrangement, whether for the Discharge and Satisfaction of the Liability of all and every the Shareholders and Members, or any or either of them, to the Debts and Liabilities of such Company or otherwise, as such Representatives or Representative for the Time being shall think fit, and the Certificate of the Judge or Master shall be deemed and taken as full and sufficient Evidence and Proof of every such Compromise, Composition, Arbitration, or other Arrangement, and of any Discharge or Release which may have been thereby effected; and it shall also be lawful for such Representatives or Representative as herein-before mentioned (subject as aforesaid) to take part in, consent to, or approve of any Compromise, Composition, Arbitration, or other Arrangement which the Official Manager may propose to make or enter into with the Debtors or Creditors of the said Company, or otherwise in respect of its Estate or Affairs; and all the Creditors of the said Company, whether their Debts shall have been then proved or not, shall, subject to the Provisions hereinafter contained, be fully and effectually bound by the Acts of such Representatives or Representative as to all such Matters as are authorized by this Act.

All Creditors to be bound thereby.

IV. No such Compromise, Composition, Arbitration, or other Arrangement as in the last Section mentioned shall be valid as against the Creditors of the Company, unless the same be made with the Consent of such Representatives, and with Leave of the Judge or Master, who shall give Leave to the Official Manager to be heard thereon; and every such Compromise, Composition, Arbitration, or other Arrangement shall be subject to such Conditions (if any) as to Payment of the Costs of any Actions, Suits, or other Proceedings, and as to obtaining the Consent of Creditors or any Proportion of them, as the said Judge or Master shall think fit to direct.

Compromise, &c. to be subject to Consent of Creditors, if required by Judge or Master.

V. No Creditor or Claimant shall be prejudiced or affected by any Compromise, Composition, Arbitration, or other Arrangement herein-before authorized, or by carrying the same into effect, as to his Right or Remedy against any Person other than the Members and Contributories thereof, to whom the same shall relate, nor otherwise than may be provided thereby; and in the event of any such Compromise, Composition, or other Arrangement as mentioned in the Second and Third Sections of this Act being made with the Contributories or alleged Contributories of the said Company, or any or either of them, whereby or in consequence whereof all or any of such Contributories may be or become discharged from further Liability to the Creditors of the said Company, then and thereupon the Creditors of the said Company, as regards their Rights and Remedies against the Persons, Property, and Effects of any Persons who were Shareholders of the said Company at the Times when the respective Debts or Causes of Action of such Creditors arose, shall be in the same Position, and have the same

Creditors Rights against Third Persons not to be prejudiced.

Remedies against such former Shareholders as last aforesaid, their Persons, Property, and Effects, as if such Creditors had obtained Execution on a Judgment Order or Decree for the Amount of their respective Debts against the Persons, Property, and Effects of the Contributories of the said Company who shall be or become so discharged as aforesaid, and had been unable thereby or otherwise to obtain Satisfaction of such Judgment, Decree, or Order, or Debts, from such Execution or from such Contributories beyond the Amount received by such Creditors respectively on account of his or their Debts out of the Monies so paid or satisfied by the said Contributories or any of them under such Composition, Compromise, or Agreement as aforesaid.

Proceedings under this Act subject to Appeal.

VI. All Orders, Directions, Reports, and other Proceedings of or before the Judge or Master under this Act shall be subject to the Appeals given by the Two aforesaid "Joint Stock Companies Winding-up Acts, 1848 and 1849;" and all Orders, Directions, Reports, and other Proceedings of or before the Court of Bankruptcy under this Act shall be subject to the Appeals given by the Bankrupt Law Consolidation Act, 1849.

After Advertisements for Representative, Creditors not to sue at Law without Leave of Judge or Master, and Time is not to run against them.

VII. When any such Company heretofore has been or hereafter shall be adjudicated bankrupt, then, if or so soon as Creditors Assignees shall have been appointed, or, when any such Company shall not have been or be adjudicated bankrupt, then after the Judge or Master shall by Advertisement have called on the Creditors to appoint a Representative or Representatives as herein-before mentioned, no such Action as is mentioned in the Seventy-third Section of the said "Joint Stock Companies Winding-up Act, 1848," shall be commenced or proceeded with, otherwise than for the Purpose of making the Company bankrupt, nor shall any Execution or Scire facias be issued or proceeded with against the Person, Property, or Effects of any Member or Members for the Time being of such Company, or any former Member or Members thereof, except by Leave of the Court of Bankruptcy where such Company has been made bankrupt before an Order shall have been made for winding up the Company, or of the said Judge or Master where such Company has not been made bankrupt before such Order shall have been made; and no Time which shall elapse after the Appointment of Creditors Assignees as aforesaid, or after the said Creditors shall be so called on, shall be reckoned as Part of the Time which by virtue of any Statute of Limitations or otherwise is or shall be limited for commencing or prosecuting any Action, Suit, Step, or Proceeding against the Company, or the Persons being Members or Contributories thereof, or any former Members

Members or Contributories thereof, with reference to or in respect of any Debt or Demand which might be discharged or affected by any such Compromise, Composition, Arbitration, or other Arrangement as is herein-before mentioned.

Court may require Security.

VIII. On the Hearing of the Application of any Creditor of any such Company for Leave to commence or proceed with any such Action (otherwise than as aforesaid), or to issue or proceed with a Writ of Scire facias or Execution as aforesaid, it shall be a sufficient Ground for refusing such Leave if the Person against whom or against whose Property or Effects such Action, Scire facias, or Execution shall be sought to be commenced, issued, or proceeded with shall give or shall have given to the Official Assignee, in case such Company shall have been declared bankrupt before an Order shall have been made for winding up the Company, or to the Official Manager in case such Company shall not have been declared bankrupt before such Order shall have been made, Security to the Satisfaction of the Court of Bankruptcy or of the Master or Judge, as the Case may be, for Payment of such Sum or Sums of Money, and upon such Terms, and to be applied in such Manner, as the said Court or the said Master or Judge shall require, having regard to the Debts and Liabilities of such Company and to the Circumstances of the Case, and upon Payment of such Costs as the said Court of Bankruptcy or the said Master or Judge may think fit: Provided always, that such Security to the Official Manager shall be subject to the Consent of the Representive (if any) for the Time being of the Creditors of such Company, or if there shall be no such Representative at the Time of giving such Security, then the same shall be subject to the Consent of the Representative of such Creditors when appointed.

Creditors to be at liberty to attend Proceedings and inspect Books of Company.

IX. The Provisions contained in the Thirty-eighth, Fortieth, and Forty-eighth Sections of the "Joint Stock Companies Winding-up Act, 1848," shall extend to and comprise Creditors or Persons who have claimed to be Creditors of the said Company as well as Contributories and alleged Contributories; and after the Judge or Master shall have called on the Creditors to appoint a Representative or Representatives, as herein-before mentioned, such Creditors and Persons who have claimed to be Creditors shall be entitled to attend the Proceedings, and to submit such Proposals, and to inspect such Books, as in the said Sections of the said Act are mentioned.

Judge or Master may appoint Commissioners

X. It shall be lawful for the Judge or Master of the High Court of Chancery in *England* acting in the winding up of any Company to appoint any Person in *Ireland*, and it shall be lawful for the Master of the High Court of Chancery in *Ireland* acting for receiving Evidence.

acting as aforesaid to appoint any Person in *England*, other than or in addition to the Commissioners, Judges, and other Persons named in the Twentieth Section of "The Joint Stock Companies Winding-up Act, 1849," to be Commissioners for the Purposes and with the same Powers and Authorities as in the said Twentieth Section of the last-mentioned Winding-up Act are named or referred to in that Behalf.

Rights of Creditor under Judgment obtained in Ireland not to be affected.

XI. Nothing in this Act contained shall apply to or affect the Rights and Remedies of any Creditor (unless with his own Consent) under or in respect of any Judgment obtained against any Shareholder in *Ireland*, which Judgment has been prior to the passing of this Act duly registered in manner required by the Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Judgments in* Ireland, or who shall have actually levied Execution or taken Proceedings to obtain an Attachment: but no such Creditor claiming to retain the Benefit of such registered Judgment, Execution, or Attachment, and not to be affected by any Compromise under this Act, shall be entitled to receive any further Dividend, or to have recourse to any other Remedy or Proceeding, other than such Right and Remedies as he may have in respect of such Judgment, Execution, or Attachment against the Lands which are affected by the same, until all the other Creditors shall have been paid in full.

Petitions for winding up certain Mining Companies not to be filed in Court of Chancery, except upon special Application to the Court of Stannaries, &c.

XII. And whereas the Dissolution and Winding-up of unincorporated Companies for working Mines within and subject to the Jurisdiction of the Stannaries can now in most Cases be conveniently, cheaply, and expeditiously effected in the Court of the Vice-Warden of the Stannaries: Be it enacted, that no Petition shall hereafter be filed in the Court of Chancery under the Joint Stock Companies Winding-up Acts, 1848, 1849, by any Adventurer or Shareholder in such a Company, except upon special Application to that Court, alleging and showing to the Satisfaction of the Court that the Company cannot be effectually dissolved or wound up in the Court of the Vice-Warden, or unless the Vice-Warden shall certify to the Court of Chancery that the Jurisdiction and Powers of his Court are, under the Circumstances, insufficient effectually to dissolve or wind up the same.

In Cases where such Petitions are filed, Proof of Debts,

XIII. In all Cases where such a Petition shall, upon such Application or Certificate, be filed in the Court of Chancery, the Proof of Debts and Creditors Claims, the Sale of Machinery and other Effects of the Company within the Stannaries, and the Distribution of the Proceeds of such Sales, shall be effected (under the general Direction of the Court of Chancery), but by and through the immediate Agency of the Vice-Warden or Registrar of his Court, unless it shall appear to the Court of Chancery to be more conducive to the Interests or Convenience of Adventurers and Creditors, or to the saving of Time or Expense, that such Proceedings or any of them shall take place in the ordinary Course and Practice of the Court of Chancery under the Winding-up Acts above referred to.

Sales of Effects, &c., to be effected through the Court of Stannaries.

XIV. This Act shall be taken and construed as a Part of the said " Joint Stock Companies Winding-up Acts, 1848 and 1849."

Act to be deemed Part of Winding-up Acts.

XV. The Words Shareholder, Member, Contributory, and alleged Contributory shall be severally taken to include all Contributories or alleged Contributories within the Meaning of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849," and also all Persons who may apprehend or desire to be discharged from Responsibility in respect of the Debts, Liabilities, or Obligations of the Company.

Interpretation of Terms.

XVI. In citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression " The Joint Stock Companies Winding-up Amendment Act, 1857."

Short Title of Act.

CAP. LXXIX.

An Act to amend the Law relating to Probates and Letters of Administration in Ireland.—[*25th* August 1857.]

CAP. LXXX.

An Act to amend " The Joint Stock Companies Act, 1856."—[*25th* August 1857.]

WHEREAS it is expedient that a further Amendment should be made in "The Joint Stock Companies Act, 1856:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Joint Stock Companies Acts, 1856, 1857, shall not, nor

Joint Stock Companies Acts, 1856, 1857, not to be deemed to repeal 7 & 8 Vict. c. 110., &c. as respects Insurance Companies.

nor shall either of them, be deemed to have repealed, as respects Companies already formed for the Purpose of carrying on the Business of Insurance, under the Act passed in the Eighth Year of Her present Majesty, Chapter One hundred and ten, or as respects Companies hereafter to be formed for the said Purpose, the said Act passed in the Eighth Year of Her present Majesty, Chapter One hundred and ten, or any other Act amending the same or relating to such Companies: Provided that if any Insurance Company, formed under the said Act of the Eighth Year of Her present Majesty, or the Directors of or Shareholders in any such Company have, during the Interval between the passing of the said Joint Stock Companies Act, 1856, and of this Act, acted as if the said Act of the Eighth Year of Her present Majesty had, as to such Company, been repealed by the said Joint Stock Companies Act, 1856, then so far as affects the Mutual Rights and Relations of the said Company, its Directors and Officers, and late or present Shareholders, and so far as affects any Penalties which the said Company, or its Directors, Officers, or Shareholders, may have incurred by Non-observance of the said Act of the Eighth Year of Her present Majesty, the said Act of the Eighth Year of Her present Majesty shall, as regards the Actions of the said Company, its Directors and Shareholders, during such Interval as aforesaid, be deemed to have been repealed.

Proviso.

CAP. LXXXI.

An Act to amend the Burial Acts.—[25*th* August 1857.] (England.)

CAP. LXXXII.

An Act to authorize the Embodying of the Militia.—[25*th* August 1857.]

WHEREAS the sudden Demand for the Service in *India* of a large Body of Her Majesty's Regular Forces may render it expedient to draw out and embody the Militia or some Part of the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It

Power to Her Majesty, &c. to cause the Militia to be drawn out and embodied.

I. It shall be lawful for Her Majesty and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* respectively, at any Time after the passing of this Act, and before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight, to cause all or any Part of the respective Militias in *England*, *Scotland*, and *Ireland* to be drawn out and embodied in like Manner as in the respective Cases in which such Militias are now by Law authorized to be drawn out and embodied.

Provisions of Acts relating to the Militia extended to this Act.

II. All the Provisions of the Acts relating to such respective Militias and of all other Acts now in force applicable for and in the Case of the drawing out and embodying of such Militias in the Cases in which the same may now by Law be drawn out and embodied, and to such respective Militias when so embodied, shall be applicable for and in the Case of the drawing out and embodying of such respective Militias under the Authority of this Act, and to such Militias when so embodied; and all Militiamen ordered to be drawn out and embodied under this Act shall be subject to the same Obligations of Service in all respects as if they had been ordered to be drawn out and embodied in a Case now provided for by Law.

Provisions requiring the meeting of Parliament within Fourteen Days not to apply.

III. So much of the Acts relating to such Militias as requires that a Proclamation shall be issued for the meeting of Parliament (if the Militia be drawn out and embodied when Parliament shall be separated by an Adjournment or Prorogation which will not expire within Fourteen Days) shall not be applicable in the Case of the Militia or any Part thereof being drawn out and embodied under the Authority of this Act.

Pay of Militia drawn out to commence from the Time appointed for their assembling.

IV. The Pay of the Officers and Men of the Militia who may be drawn out under this Act shall commence from the Time appointed for their assembling or joining their respective Regiments, Battalions, or Corps, and not from the Date of the Order or Warrant for drawing out such Militia, subject nevertheless to the Provisions for postponing the Commencement of such Pay in the Case of any Person in such Militia who may not join his Regiment, Battalion, or Corps on the Day appointed for that Purpose.

Section 4. of 17 & 18 Vict. c. 13. (concerning Service of Notices) to apply to this Act.

V. Section Four of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Thirteen, shall extend to any Case of drawing out and embodying the Militia in *England*, or any Part of such Militia, under the Authority of this Act.

CAP. LXXXIII.

CAP. LXXXIII.

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.—[25*th* August 1857.]

§ V. This Act shall not extend to *Scotland.*

CAP. LXXXIV.

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in Dulwich *in the County of* Surrey, *with certain Alterations.*—[25*th* August 1857.]

CAP. LXXXV.

An Act to amend the Law relating to Divorce and Matrimonial Causes in England.—[28*th* August 1857.]

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED;

Passed in the FIRST Session of the SEVENTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

20° & 21° VICT.

i. AN Act to enable the *Great Southern and Western* Railway Company to raise a further Sum of Money.

ii. An Act to incorporate a Company for supplying Gas to *Chepstow* and the Neighbourhood.

iii. An Act for granting further Powers to "The Reversionary Interest Society."

iv. An Act to incorporate the Proprietors of the *Guildford* Waterworks; and to confer further Powers for the Supply of Water to the Borough of *Guildford*.

v. An Act to amend "The *Inverness and Nairn* Railway Act, 1854;" to enable the *Inverness and Nairn* Railway Company to create a Preference Stock, and to raise further Sums of Money; and for other Purposes.

vi. An Act for lighting with Gas the Borough of *South Shields* and Neighbourhood thereof in the County of *Durham*.

vii. An Act for more effectually supplying with Gas the Town and Borough of *Sunderland* and the Neighbourhood thereof in the County of *Durham*.

viii. An Act for enabling the *South Devon* Railway Company to raise additional Capital, and for other Purposes.

ix. An Act for the Regulation of certain Public Sufferance Wharves in the Port of *London* known as "*Meriton's* Sufferance Wharf" and "*Hagen's* Sufferance Wharf."

x. An Act for regulating the Capital of the *Bedale and Leyburn* Railway Company, and for other Purposes.

xi. An Act to make further Provision for supplying with Water the City of *Chester* and Suburbs thereof.

xii. An Act to incorporate the *Guildford* Gaslight and Coke Company, and to confer upon them further Powers for the Supply of Gas to *Guildford* and the Vicinity.

xiii. An Act to enable the *Great Western and Brentford* Railway

way Company to raise additional Capital; and for other Purposes.

xiv. An Act to enable the *Peebles* Railway Company to create additional Shares in their Undertaking; and for other Purposes.

xv. An Act for incorporating the *Willenhall* Gas Company, and for other Purposes.

xvi. An Act to authorize the *Saint Helens* Canal and Railway Company to increase and regulate their Capital, and for other Purposes relating to the Company.

xvii. An Act to alter the borrowing Powers of the *Tralee and Killarney* Railway Company.

xviii. An Act for enabling the *Portsmouth* Railway Company to execute certain Works in connexion with their Railway; and for other Purposes.

xix. An Act to enable the *North-eastern* Railway Company to cancel unissued and forfeited Shares, to create new Shares in lieu thereof, and raise authorized Capital; and for other Purposes.

xx. An Act for supplying the Burgh of *Dumbarton* and Places adjacent with Water; for embanking and reclaiming the *Broad Meadow* there; and for extending the Municipal Boundaries of the said Burgh.

xxi. An Act to amend an Act made and passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the several Acts for the Relief and Employment of the Poor of the Parish of* Saint Mary Islington *in the County of* Middlesex; *for lighting and watching and preventing Nuisances and Annoyances therein; for amending the Road from* Highgate *through* Maiden Lane, *and several other Roads in the said Parish; and for providing a Chapel of Ease and an additional Burial Ground for the same, and to make more effectual Provisions in lieu thereof;* and for other Purposes.

xxii. An Act to grant further Powers to "The *Brighton, Hove, and Preston* Constant Service Waterworks Company," and to amend the Act relating to the Company.

xxiii. An Act for conferring upon the *Calcutta and South-eastern* Railway Company certain Powers.

xxiv. An Act to extend the Time for the compulsory Purchase of Lands for Parts of the *Exeter and Exmouth* Railway.

xxv. An Act for more effectually empowering the *United General* Gaslight Company to light the City of *Cork* and the Suburbs thereof with Gas.

xxvi. An Act to establish Markets and Fairs in the Parish of *Kidsgrove* in the County of *Stafford*.

xxvii. An Act to amend and extend the Provisions of "The *Waterford and Tramore* Railway Act, 1851," to revive and extend their Powers and increase their Capital; and for other Purposes.

xxviii. An Act for constructing and maintaining a Pier at *Great Yarmouth* in the County of *Norfolk*, to be called "The *Great Yarmouth Britannia* Pier."

xxix. An Act to confirm the Incorporation of the Undertaking of the *Dublin and Bray* Railway Company with that of the *Dublin and Wicklow* Railway Company, to dissolve the former Company, and to extend the Railway in the City of *Dublin.*

xxx. An Act for regulating the Markets and Fairs in *Bridgwater;* and for other Purposes.

xxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Wilmslow and Lawton* Turnpike Road in the County of *Chester.*

xxxii. An Act to enable the *Fraserburgh* Harbour Commissioners to purchase Lands and to borrow a further Sum of Money.

xxxiii. An Act for amalgamating the *Hartlepool* Dock and Railway Company with the *North-eastern* Railway Company, and for vesting the Undertaking of the former Company in that of the latter; and for other Purposes.

xxxiv. An Act to cancel certain forfeited Shares in the *Forth and Clyde Junction* Railway Company, and to enable the Company to create new and additional Shares; and for other Purposes.

xxxv. An Act for enabling the *Glasgow* Gaslight Company to raise a further Sum of Money, and for other Purposes.

xxxvi. An Act for uniting the Offices of Minister and Chaplain of *Saint Philip's* Church in *Liverpool.*

xxxvii. An Act for the Improvement of *Landport* and *Southsea,* and the Neighbourhoods, in the Parishes of *Portsmouth* and *Portsea,* in the County of *Southampton.*

xxxviii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cardigan* to provide a Market House, and establish and regulate Markets and Fairs; and to regulate the Supply of Water within the Borough; and to pave, light, cleanse, regulate, and improve the Borough; and for other Purposes.

xxxix. An Act to repeal the Provisions of the Acts relating to the Bridge and Ferries across the River *Wear* in the Borough of *Sunderland,* and to grant further Powers for the Maintenance and Improvement of such Bridge and Ferries, and the Approaches and Landing Places connected therewith, or for the Erection of a new Bridge in lieu of the existing Bridge across such River.

xl. An Act for making a Railway commencing by a Junction with the *Haggarleazes* Branch of the *Stockton and Darlington* Railway near the *Lands* Colliery in the County of *Durham*, and terminating by a Junction with the *Lancaster and Carlisle* Railway at or near *Tebay* in the County of *Westmoreland*; and for making Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

xli. An Act for making a Railway from the *Llantrissant* Station of the *South Wales* Railway to *Penrhiwfer* in the Parish of *Llantrissant* in the County of *Glamorgan*, with Branches to *Glanmychydd* and *Mynydd Gellyrhaidd*, both in the said Parish of *Llantrissant*.

xlii. An Act to enable the *New River* Company to raise a further Sum of Money, to construct other Sewers at *Hertford*, and to amend the Acts relating to the Company.

xliii. An Act to authorize the *West Hartlepool* Harbour and Railway Company to convert Loans into Debenture Stock, to raise further Capital, to arrange with Holders of Shares or Stock for Conversion thereof into other Shares or Stock; and for other Purposes.

xliv. An Act for the *Mansfield and Worksop* Turnpike Road in the County of *Nottingham*.

xlv. An Act for better supplying with Water the Inhabitants of the Borough of *Portsmouth* in the County of *Southampton*.

xlvi. An Act to enable the *North-eastern* Railway Company to make a Branch from their *Bishop Auckland* Branch Railway to the *Conside* Ironworks, to acquire additional Lands; and for other Purposes.

xlvii. An Act for better supplying with Water the Town of *Ipswich*.

xlviii. An Act for making a Bridge over the River *Wye*, near to the *Even Pitt* Ferry, and Approaches thereto; for discontinuing and regulating Ferries near to the Bridge; and for other Purposes.

xlix. An Act for making a Railway from the *Deeside* Railway at *Banchory* to *Charleston* of *Aboyne*.

l. An Act to incorporate a Company for extending the *Banff, Macduff, and Turriff Junction* Railway from *Turriff* to *Banff and Macduff*.

li. An Act to extend the Time for making the *Cork and Youghal* Railway, and to vary the borrowing Powers of the Company.

lii. An Act to unite and amalgamate the *Stockton* New Gas Company and the *Stockton* Gas Consumers Company (Limited); and to authorize the united Company to raise additional Capital, and to sell their Undertaking to the Mayor, Aldermen, and Burgesses of the Borough of *Stockton;* and for other Purposes.

liii. An Act for making a Railway from the *Grange* Station of the *Great North of Scotland* Railway to the Harbour of *Banff*, with a Branch to the Harbour of *Portsoy.*

liv. An Act for making Railways between the City of *Bristol* and the *South Wales* Railway in the County of *Monmouth*, with a Steam Ferry across the River *Severn* in connexion therewith, for the Purpose of improving the Railway Communication between *South Wales* and *Bristol, Southampton,* and the South-western Districts of *England.*

lv. An Act to repeal the Act relating to the *Newcastle-under-Lyme and Leek* Turnpike Roads, and to make other Provisions in lieu thereof.

lvi. An Act to repeal an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving certain Roads leading to, through, and from the Towns of* Langport, Somerton, *and* Castle Cary, *in the County of* Somerset, *and for making and improving other Roads in the said County,* and granting more effectual Powers in lieu thereof, and for making and improving new Lines of Road.

lvii. An Act for authorizing the *Lowestoft* Water, Gas, and Market Company to make additional Waterworks and raise additional Capital, and to lease their Undertaking; and for other Purposes.

lviii. An Act for lighting with Gas the Borough of *Shrewsbury* and the Neighbourhood thereof in the County of *Salop.*

lix. An Act for incorporating the *Burslem and Tunstall* Gaslight Company and extending their Powers, and for authorizing additional Works, and the raising of further Moneys; and for other Purposes.

lx. An Act for making a Railway from *Lewes* to *Uckfield,* all in the County of *Sussex.*

lxi. An Act to authorize the *Newry, Warrenpoint, and Rostrevor* Railway Company to extend their Railway at *Newry* and at *Warrenpoint,* and to enter into Arrangements with the *Newry and Enniskillen* Railway Company.

lxii. An Act to dissolve the *Mallow and Fermoy* Railway Company, and to transfer all the Powers of that Company for making and maintaining the *Mallow and Fermoy* Railway to the *Great Southern and Western* Railway Company.

lxiii. An Act for lighting with Gas the Town of *Bury*, and other Townships and Places in the Parish of *Bury*, in the County of *Lancaster*.

lxiv. An Act to extend the Time for the Completion of the *Cannock Mineral* Railway.

lxv. An Act to repeal the Acts relating to the *Selby and Market Weighton* Turnpike Road in the East Riding of the County of *York;* and to make other Provisions in lieu thereof.

lxvi. An Act for authorizing the *West Somerset Mineral* Railway Company to make the *Minehead* Extension and the *Cleeve* Branch; and for other Purposes.

lxvii. An Act to incorporate the *Stratford-upon-Avon* Gas Company.

lxviii. An Act for granting additional Powers to "the *Australian* Agricultural Company."

lxix. An Act for enabling the *Penarth* Harbour, Dock, and Railway Company (heretofore called "The *Ely* Tidal Harbour and Railway Company"), to construct Railways to and a Dock and other Works on or adjoining the South-west Bank of the River *Ely*, and for other Purposes.

lxx. An Act for better supplying with Water the Inhabitants of the Parishes of *Saint John the Baptist* (including *Margate*) and *Saint Peter the Apostle* (including *Broadstairs*) in the County of *Kent*.

lxxi. An Act to amend and enlarge the Provisions of the Acts relating to the River *Tyne*, and to enable the *Tyne* Improvement Commissioners to construct Docks at *Coble Dean*, and certain Works for the Improvement of such River; and for other Purposes.

lxxii. An Act for making a Railway from the *London and South-western* Railway at *Wimbledon* to *Epsom;* and for other Purposes.

lxxiii. An Act for regulating the Payment of Dividends on certain Classes of Preference Shares in the *London* Gaslight Company.

lxxiv. An Act for the Improvement of the Town of *Milford* and the Neighbourhood thereof, for establishing Gasworks, Waterworks, and a Cemetery there; and for other Purposes.

lxxv. An Act for more effectually making, repairing, and maintaining the Highways, Roads, and Bridges within the County of *Orkney*, and for other Purposes.

lxxvi. An Act to amend "The *East Kent* Railway (Extension to *Dover*) Act, 1855."

lxxvii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make an Extension Line of Railway to *Sligo*, with Branches therefrom; and for other Purposes.

lxxviii. An Act to enable the *Monkland* Railways Company to make and maintain certain Railways in the Counties of *Lanark* and *Linlithgow;* and for other Purposes.

lxxix. An Act to empower the *Briton Ferry* Floating Dock Company to raise Money; and for other Purposes connected with their Undertaking.

lxxx. An Act for granting further Powers to "The City and Suburban Gas Company of *Glasgow*."

lxxxi. An Act to enable the *Scottish Central* Railway Company to make and maintain certain Extensions of their *Denny* Branch.

lxxxii. An Act to empower the *Stamford and Essendine* Railway Company to raise Money, and for other Purposes connected therewith.

lxxxiii. An Act for authorizing the *Victoria* (*London*) Dock Company to make a new Cut Eastward of their Dock, and to raise additional Capital, and for other Purposes.

lxxxiv. An Act for making Railways from *Athlone to Roscommon* and *Castlereagh*, to be called "The *Great Northern and Western* (of *Ireland*) Railway;" and for other Purposes.

lxxxv. An Act to enable the *Great Southern and Western* Railway Company to make a Railway from *Tullamore* to *Athlone;* and for other Purposes.

lxxxvi. An Act for making a Railway from the *Edinburgh, Perth, and Dundee* Railway at *Markinch* Station to the Town of *Leslie*, with Branches to *Auchmuty Mills, Leven Bank Mill*, and *Prinlaws Lower Mills*, and other Purposes.

lxxxvii. An Act for making a Railway from *Keith* to *Dufftown.*

lxxxviii. An Act to repeal so much of the Act relating to the Road from *Bawtry Bridge* in the County of *Nottingham* to *Hainton* in the County of *Lincoln*, and other Roads, as relates to the Second District of Roads therein mentioned, and to make other Provisions in lieu thereof.

lxxxix. An Act to allow a Drawback on the Duties payable on Coals, Culm, Coke, and Cinders.

xc. An Act for incorporating the *European and Indian Junction* Telegraph Company, and for other Purposes connected therewith.

xci. An Act to enable the *West of Fife Mineral* Railway Company to construct a Branch Railway to *Roscobie;* and for certain other Purposes.

xcii. An Act to continue or renew the Powers conferred on the Trustees on the River *Clyde* and Harbour of *Glasgow* to take

Lands and execute Works for the Improvement of the Navigation; and for other Purposes.

xciii. An Act to enable the *British* Fisheries Society to enlarge, improve, and maintain *Pulteney* Harbour in the County of *Caithness;* and for other Purposes.

xciv. An Act for improving and maintaining the Harbour of *Elie* in the County of *Fife.*

xcv. An Act for confirming the Title to Lands acquired for the Purposes of the *Newquay* Railway, Part of "the *Treffry* Estates," in the County of *Cornwall,* and for regulating the Railway; and for other Purposes.

xcvi. An Act to empower the *Staines, Wokingham, and Woking* Railway Company to make a Railway to connect the *Reading, Guildford, and Reigate* Railway with the *Great Western* Railway; and for other Purposes.

xcvii. An Act to repeal "The River *Slaney* Improvement Act, 1852," and to make better Provision for the Execution of the Objects of that Act; and for other Purposes connected with the River *Slaney.*

xcviii. An Act to empower the *Stockport, Disley, and Whaley Bridge* Railway Company to extend their Railway to *Buxton,* and for other Purposes connected with their Undertaking.

xcix. An Act for the *Worksop and Attercliffe* Turnpike Road in the County of *Nottingham* and the West Riding of the County of *York.*

c. An Act for the Abandonment of the *Westminster Terminus* Railway Extension, *Clapham* to *Norwood,* and for other Purposes.

ci. An Act for making a Bridge across the River *Backwater* near *Weymouth,* and a Turnpike Road, and other Works in connection therewith, in the County of *Dorset;* and for other Purposes.

cii. An Act to incorporate and regulate the *Atlantic* Telegraph Company, and to enable the Company to establish and work Telegraphs between *Great Britain, Ireland,* and *Newfoundland;* and for other Purposes.

ciii. An Act for making a Railway from the *Torquay* Branch of the *South Devon* Railway to or near to *Dartmouth,* to be called "The *Dartmouth and Torbay* Railway;" and for other Purposes.

civ. An Act to enable the *Dundalk and Enniskillen* Railway Company to make certain Deviations and Alterations in their Line and Works; and for other Purposes connected with their Undertaking.

cv. An Act to authorize the *East Somerset* Railway Company to extend their Railway from *Shepton Mallett* to *Wells.*

cvi. An Act for making a Railway from the *Llanidloes and Newtown* Railway in the Parish of *Llandinam* in the County of *Montgomery* to the Town of *Machynlleth* in the same County.

cvii. An Act for repairing the Roads from *Prestwich* to *Bury* and *Radcliffe* in the County Palatine of *Lancaster*, and for making and maintaining as Turnpike certain other Roads in connexion therewith, all in the same County; and for other Purposes.

cviii. An Act for authorizing the Conversion of Parts of the *Shropshire* Canal to Purposes of a Railway, and the making and maintaining of a Railway accordingly, and for authorizing Arrangements between the *London and North-western* Railway Company and other Companies; and for other Purposes.

cix. An Act for improving the *North Level* Drainage, and for other Purposes relating to the Level.

cx. An Act for making a Railway from *Broughton* to *Coniston* in the County Palatine of *Lancaster;* and for other Purposes.

cxi. An Act for establishing and maintaining a Ferry and Floating Bridge across the River *Waveney*, near *Burgh Saint Peter* Staithe in the Parishes of *Oulton* in the County of *Suffolk*, and *Burgh Saint Peter* in the County of *Norfolk*, with proper Works and Approach Roads thereto.

cxii. An Act for making a Railway from the *Essendine* Station of the *Great Northern* Railway to *Bourn* in the County of *Lincoln;* and for other Purposes.

cxiii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make a Railway from *Streamstown* to *Clara;* and for other Purposes.

cxiv. An Act to amend and enlarge some of the Provisions of "The *Blyth and Tyne* Railway Consolidation and Extensions Act, 1854;" to authorize the Relinquishment of a Branch Railway authorized by that Act, and the Construction of other Railways and Works in connexion with the *Blyth and Tyne* Railway.

cxv. An Act to enable the Metropolitan Board of Works to open certain new Streets in the City and Liberties of *Westminster* and in the Borough of *Southwark*.

cxvi. An Act for the making and maintaining of the *Stratford-upon-Avon* Railway; and for other Purposes.

cxvii. An Act to make better Provision for the Burial of the Dead in the City of *Manchester*, and for enabling the Corporation to purchase certain Lands and effect certain Improvements in that City.

cxviii. An Act to amend Two several Acts passed respectively in the Fifth Year of the Reign of His late Majesty King *George* the Fourth and the Second Year of His late Majesty King *William* the Fourth, intituled respectively *An Act to repeal the several Acts for the Relief and Employment of the Poor of the Parish of* Saint Mary Islington *in the County of* Middlesex; *for lighting and watching, and preventing Nuisances and Annoyances therein; for amending the Road from* Highgate *through* Maiden Lane, *and several other Roads in the said Parish; and for providing a Chapel of Ease and an additional Burial Ground for the same; and to make more effectual Provisions in lieu thereof*; and *An Act to equalize the Ecclesiastical Burthens of the Parish of* Saint Mary Islington *in the County of* Middlesex; *for partially altering the Application of the Rents and Profits of the* Stonefields *Estate within the said Parish; for letting the Pews in the Parish Church of* Saint Mary Islington *and the Chapel of Ease thereto; and for other Purposes connected therewith;* and to make other and more effectual Provisions in lieu thereof.

cxix. An Act to enable the *Newport, Abergavenny, and Hereford* Railway Company to extend their Railway into the *Aberdare* and *Bargoed* Valleys in *Glamorganshire*, and for other Purposes connected with the Company.

cxx. An Act to amend and enlarge the Powers of the Acts relating to the *Portadown and Dungannon* Railway Company, and to enable that Company to extend their Railway to the Town of *Omagh* in the County of *Tyrone*, and to enter into certain Arrangements with the *Ulster* and other Railway Companies with respect to the working and leasing of the Railway; and for other Purposes.

cxxi. An Act to enable the *Salisbury and Yeovil* Railway Company to make Deviations from the Line of their Railway, and for other Purposes connected with their Undertaking.

cxxii. An Act to enable the *Whitehaven and Furness Junction* Railway Company to raise additional Capital; and for other Purposes.

cxxiii. An Act to enable the *Caledonian* Railway Company to construct Branch Railways from their Line near *Edinburgh* to *Granton;* and for other Purposes.

cxxiv. An Act for making a Railway from the *Dunfermline* Branch of the *Edinburgh, Perth, and Dundee* Railway to *Kinross*, with a Branch to *Kingseat;* and for other Purposes.

cxxv. An Act to extend the Time for the Purchase of certain

Lands required for the *Metropolitan* Railway; and for other Purposes.

cxxvi. An Act to enable the *South Staffordshire* Waterworks Company to alter and extend their Works, and obtain an additional Supply of Water; and for other Purposes.

cxxvii. An Act for incorporating the *Victoria* Gas Company, and for authorizing them to acquire and enlarge the *North Woolwich* Gasworks, and to supply Gas; and for other Purposes.

cxxviii. An Act for making a Railway from near *Hamilton* to near *Strathaven* in the County of *Lanark*, to be called "The *Hamilton and Strathaven* Railway;" and for other Purposes.

cxxix. An Act to enable the *Fife and Kinross* Railway Company to divert Part of their Main Line, and to make an Extension from *Milnathort* to *Kinross*.

cxxx. An Act to enable the *Great Yarmouth* Waterworks Company to raise a further Sum of Money.

cxxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Otley and Skipton* Turnpike Road, and to create a further Term therein; and for other Purposes.

cxxxii. An Act to give further Powers to the Mayor, Aldermen, and Burgesses of the Borough of *Salford* with respect to Burial Purposes, and to authorize Arrangements with respect to Lands in and near *Marlborough Square* in *Salford*.

cxxxiii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway at *Horsham*, through *Billingshurst*, to *Pulborough*, with a Branch from *Pulborough* to *Coultershaw Mill* in the Parish of *Petworth*, all in the County of *Sussex*.

cxxxiv. An Act authorizing the *North-western* Railway Company to divert a Portion of their Railway, and to sell or grant a Lease of their Undertaking to the *Midland* and *Lancaster and Carlisle* Railway Companies.

cxxxv. An Act to amend an Act of the Twenty-first Year of the Reign of King *George* the Third, "to prevent the Mischiefs that arise from driving Cattle within the cities of "*London* and *Westminster*, and Liberties thereof, and Bills of "Mortality," and also to amend "The Metropolitan Market Act, 1851."

cxxxvi. An Act for authorizing the *London and South-western* Railway Company and others to make Deviations from their authorized Lines of Railway and other Works; and for authorizing divers other Matters affecting that Company and other Companies and Undertakings; and for other Purposes.

cxxxvii. An Act for the Construction of Railways to supply direct Communication between *Oldham, Ashton-under-Lyne,* and *Guide Bridge,* and for the Accommodation of the Neighbourhood.

cxxxviii. An Act to make Provision with respect to Capital fraudulently created in the *Great Northern* and *East Lincolnshire* Railway Companies.

cxxxix. An Act for authorizing an Extension of the *Dorset Central* Railway; for regulating the Capital of the *Dorset Central* Railway Company; and for other Purposes.

cxl. An Act for consolidating the Acts relating to the *Rhymney* Railway Company, and for authorizing the Company to make and maintain a Branch Railway, and for regulating the Capital of the Company; and for other Purposes.

cxli. An Act for the Maintenance, Regulation, and Improvement of *Watchet* Harbour in the County of *Somerset;* and for other Purposes.

cxlii. An Act for the Transfer of the Docks of the *Swansea* Dock Company to the *Swansea* Harbour Trustees; and for authorizing those Trustees to make further Works, and raise further Moneys; and for other Purposes.

cxliii. An Act for authorizing Traffic Arrangements between the *West End of London and Crystal Palace* and the *London, Brighton, and South Coast*, the *South-eastern,* and *London and South-western* Railway Companies; for Sale of the *West London and Crystal Palace* Railway; for extending the Time for completing Railways; and for other Purposes.

cxliv. An Act for repairing the Road from *Haslingden* to *Todmorden,* and several Branches therefrom, all in the County Palatine of *Lancaster;* and for other Purposes.

cxlv. An Act to authorize the Construction of a Railway from *Taunton* to the Harbour of *Watchet;* and for other Purposes relating to the said Railway and Harbour.

cxlvi. An Act to alter, amend, and consolidate the Acts relating to the Company of Proprietors of the *Norfolk* Estuary.

cxlvii. An Act to provide for the Conservation of the River *Thames,* and for the Regulation, Management, and Improvement thereof.

cxlviii. An Act to consolidate and amend the Acts for the more effectual Preservation and Increase of Salmon, and the Regulation of the Fisheries in the River *Tweed.*

cxlix. An Act to authorize the Construction of a Railway from *Castle Douglas* in the Stewartry of *Kirkcudbright* to *Portpatrick* in the County of *Wigtown.*

cl. An Act to enable the Metropolitan Board of Works to form a Park for the Northern Suburbs of the Metropolis, to be called *Finsbury Park.*

cli. An Act to enable the *Sittingbourne and Sheerness* Railway Company to alter the Line and Levels of Portions of their authorized Line and abandon Portions thereof; to construct new Branches and other Works; to authorize Working Arrangements with the *East Kent* Railway Company; to amend "The *Sittingbourne and Sheerness* Railway Act, 1856;" and for other Purposes.

clii. An Act for making a Railway from *Herne Bay* to *Faversham*, and for other Purposes connected therewith.

cliii. An Act for enabling the *Taff Vale* Railway Company to construct new Lines of Railway, to alter, widen, and improve Portions of their existing Railway, and for other Purposes.

cliv. An Act for the Transfer of the Interests of the Class A Shareholders of the *Saint Andrew's and Quebec* Railroad Company to "The *New Brunswick and Canada* Railway and Land Company (Limited)."

clv. An Act to enable the *South-eastern* Railway Company to make or complete a short Line of Railway at *Tunbridge;* and for other Purposes.

clvi. An Act enabling the *Newry and Enniskillen* Railway Company to construct their Railway as far as the City of *Armagh;* for changing the Name of the Company; and for consolidating their Acts.

clvii. An Act for abolishing certain Jurisdiction of the Sheriffs Courts of the City of *London*, and for amending the Process, Practice, and Mode of Pleading in the Mayor's Court, and for extending the Jurisdiction thereof.

clviii. An Act to authorize the *Wycombe* Railway Company to extend their Railway to *Princes Risborough* and to *Thame.*

clix. An Act for incorporating the *Eastern Bengal* Railway Company, and for other Purposes.

clx. An Act for authorizing the *Scinde* Railway Company to extend their Operations, and for regulating the Capital of the Company; and for other Purposes.

clxi. An Act for making a Railway from the *Lancaster and Carlisle* Railway in the Parish of *Kendal* in County of *Westmoreland* to the *North-western* Railway at or near *Ingleton* in the West Riding of the County of *York*, with a Branch therefrom; and for other Purposes.

clxii. An Act for consolidating the Docks at *Liverpool* and *Birkenhead* into one Estate, and for vesting the Control and Management of them in One Public Trust; and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for enabling the Trustees in whom the Lands and Estate of *Scotscraig* in the County of *Fife* are vested to grant Feus of certain Portions thereof.
2. An Act to amend and explain *Fleming's* Estate Act, 1852.
3. An Act for authorizing the Dean and Chapter of *Hereford* to raise Money for the Repair of the Cathedral Church of *Hereford*.
4. An Act to enable the Trustees of the Will of the late *Francis* Duke of *Bridgewater* to complete the Purchase of the *Runcorn and Weston* Canal, and to enable such Trustees more effectually to administer the Trusts of the Will of the said Duke.
5. An Act for authorizing the Sale to the *Dorset Central* Railway Company, in consideration partly of a yearly Rentcharge and partly of a gross Sum, of Part of the Settled Estates in the County of *Dorset* of which the Right Honourable *George Pitt Rivers* Lord *Rivers* is now Tenant for Life in possession; and for other Purposes.
6. An Act for carrying into effect an Agreement for a Compromise of the Suit of "*Carew* versus *Waugh*," now pending in the High Court of Chancery, and for vesting the Estates to which the Suit relates in Trustees upon Trust for Sale; and for other Purposes.
7. An Act for authorizing the raising of Money on the Security of Estates in the County of *Glamorgan*, settled by the Will of the Right Honourable *Other Archer* late Earl of *Plymouth* deceased, and the Application of the Money for the Improvement of Parts of the Estates, in order to render them available as Building Lands, and for confirming an Agreement with the *Penarth* Harbour, Dock, and Railway Company, heretofore called the *Ely* Tidal Harbour and Railway Company; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

8. An Act for authorizing *Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balthassara Gaspara* Princess *Giustiniani*, Widow of *Charles* Marquess *Bandini*, to take the Oath proper to be taken by her prior to her Naturalization before Her Majesty's Envoy Extraordinary to the Grand Duke of *Tuscany*, or any other Member of Her Majesty's Legation at the Court of *Tuscany*, and to give her Consent in Writing to the passing of the Bill for her Naturalization.
9. An Act to dissolve the Marriage of *Edward Ley*, Oil Cooper, with *Rosanna Sarah Ley*, his now Wife,. and to enable him to marry again; and for other Purposes therein mentioned.
10. An Act to dissolve the Marriage of *Alexander Campbell* with *Maria* his now Wife, and to enable him to marry again; and for other Purposes.
11. An Act to dissolve the Marriage of *Henry Smith* Esquire with *Julia* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
12. An Act to enable *Robert Shepherd*, Clerk, to exercise his Office of a Priest and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.
13. An Act to dissolve the Marriage of *William Frederick Baring* Esquire with *Emily* his now Wife, and to enable him to marry again; and for other Purposes.
14. An Act for naturalizing *Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balthassara Gaspara* Princess *Giustiniani*, Widow of *Charles* Marquess *Bandini* in the *Roman* States, and *Sigismund Nicholas Venantius Gaietano Francis* Marquess *Bandini*, the only Son and Heir Apparent of the said Princess *Giustiniani* Marchioness Dowager *Bandini* by the said *Charles* Marquess *Bandini* her late Husband.
15. An Act to dissolve the Marriage of *Robert Keays* Esquire with *Maria Eliza* his now Wife, and to enable him to marry again; and for other Purposes.

INDEX

INDEX

TO

STATUTES AFFECTING SCOTLAND.

Page

Abatement of Income-Tax in respect of Insurance on Lives, to continue the Act 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for 4
Assessed Taxes ; to amend the Laws relating to the Payment of Land and Assessed Taxes, and Property and Income-Tax 39
Assignations of Long Leases, to provide for the Registration and . . 24

Banking Companies, to amend the Law relating to 49
Bankruptcy and Real Securities, to remove Doubts as to the Law of . 20
Bill Chamber, to regulate Procedure in the 17
Boundaries of Burghs ; to provide for the Extension of the Boundaries of Burghs, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes . . 77
Burghs and Counties, to render more effectual the Police in . . . 133
Burghs, Boundaries of, to provide for the Extension of . . . 77
Burial ; to amend "The Burial Grounds (Scotland) Act, 1855." (18 and 19 Vict. c. 68) 44

Caledonian Canal, to amend 11 and 12 Vict. c. 54, relating to, and to make further Provision for the Accommodation of the Traffic thereon . 34
Civil Service Superannuation ; to repeal the Twenty-seventh Section of the Superannuation Act, 1834. (4 and 5 Will. IV. c. 24) . . . 43
Companies, to amend the Law relating to Banking 49
——— *See also* Joint Stock Companies.
Counties and Burghs, to render more effectual the Police in . . 133
Court of Session, to regulate the Distribution of Business in the . . 55
Courts of Scotland, to regulate the Institution of Suits in, at the Instance of the Crown and the Public Departments 45
Crinan Canal, to amend 11 and 12 Vict. c. 54, relating to, and to make further Provision for the Accommodation of the Traffic thereon . . 34
Crown Suits ; to regulate the Institution of Suits at the Instance of the Crown and Public Departments in the Courts of Scotland . . 45
Customs, for the Alteration and Amendment of the Laws and Duties of . 66
——— for granting certain Duties of Customs and Excise . . 63

Dead ; to amend "the Burial Grounds (Scotland) Act, 1855." (18 and 19 Vict. c. 68) 44

Page

Denmark; to carry into effect a Convention between Her Majesty and the King of Denmark, for the Redemption of the Sound Dues . . . 6
Dunbar Harbour; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour of Dunbar 72

Excise; for granting certain Duties of Customs and Excise . . . 63

Furnaces, for the Abatement of the Nuisance arising from the Smoke of . 161

Harbour of Dunbar; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour of Dunbar 72

Income-Tax, to continue the Act 16 and 17 Vict. c. 91, for extending for a Limited Time the Provision for Abatement of, in respect of Insurance on Lives 4
——— to Amend the Laws relating to the Payment of . . 39
Insurance on Lives, to continue 16 and 17 Vict. c. 91, for extending for a Limited Time the Provision for Abatement of Income Tax in respect of 4

Joint Stock Companies; to Amend 7 and 8 Vict. c. 111, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their Pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849," 166
——— to Amend the Joint Stock Companies Act, 1856. (19 and 20 Vict. c. 47) 7
——— further to Amend the Joint Stock Companies Act, 1856. (19 and 20 Vict. c. 47) 173
——— to Amend the Law relating to Banking Companies 49

Lands; to Amend the Act 17 and 18 Vict. c. 91, for the Valuation of Lands 59
Land Tax; to amend the Laws relating to the Payment of the Land and Assessed Taxes 39
Leases; to provide for the Registration of Long Leases and Assignations thereof 24
Life Insurance; to continue the Act 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income-Tax in respect of Insurance on Lives 4
Long Leases, to provide for the Registration of 24
Lunatics, for the Regulation of the Care and Treatment of, and for the Provision, Maintenance, and Regulation of Lunatic Asylums . . 81

Militia; to authorize the embodying of the Militia 174

Nuisance arising from the Smoke of Furnaces, for the Abatement of . 161

Parochial Schoolmasters, to regulate the Salaries of 61
Penal Servitude; to amend the Act 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation . . 2
Police; to render more effectual the Police in Counties and Burghs . 133
Procedure in the Bill Chamber, to regulate 17
Property and Income Tax, to amend the Laws relating to the Payment of . 39
Punishment in lieu of Transportation; amending 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation 2

Queen; to carry into effect a Convention between Her Majesty and the King of Denmark, for the Redemption of the Sound Dues . . . 6

Real Securities, to remove Doubts as to the Law of Bankruptcy and . 20

Page

Redemption of the Sound Dues, to carry into effect a Convention between Her Majesty and the King of Denmark for 6
Registration of Long Leases, and Assignations thereof, to provide for . 24

Schoolmasters (Parochial), to regulate the Salaries of . . . 61
Securities (Real), to remove Doubts as to the Law of Bankruptcy and . 20
Session, Court of, to regulate the Distribution of Business in the . . 55
Smoke of Furnaces, for the Abatement of the Nuisance arising from . 161
Sound Dues, to carry into effect a Convention between Her Majesty and the King of Denmark for the Redemption of 6
Suits; to regulate the Institution of, at the Instance of the Crown and the Public Departments in the Courts of Scotland 45
Superannuation in the Civil Service; to repeal the Twenty-seventh Section of the Superannuation Act, 1834 (4 and 5 Will. IV. c. 24) . . 43

Taxes; to amend the Laws relating to the Payment of Land and Assessed Taxes and Property and Income-Tax 39
Transportation, to amend the Act 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of 2

Valuation of Lands, amending the Act 17 and 18 Vict. c. 91, for the . 59
Victoria Harbour of Dunbar; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of Improving the Victoria Harbour . . . 72
Voters; to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes . . . 77

Winding-up Acts, 1848 and 1849, to amend the 166

INDEX

TO

THE PUBLIC GENERAL STATUTES.

20° & 21° VICTORIÆ.

U. K. Denotes that the Act is applicable to the United Kingdom.
G. B. ,, ,, ,, ,, ,, Great Britain.
E. ,, ,, ,, ,, ,, England.
S. ,, ,, ,, ,, ,, Scotland.
I. ,, ,, ,, ,, ,, Ireland.
W. ,, ,, ,, ,, ,, Wales.

Abatement of Income-Tax in respect of Insurance on Lives, to continue the Act 16 and 17 Vict. c. 91, for extending for a Limited Time the Provision for . . . . . . Cap. 5. G. B. & I.
Abolition of Ministers Money, to amend the Act 17 and 18 Vict. c. 11, with a view to the . . . . Cap. 8. I.
Administration, Letters of; to amend the Law relating to Probates and Letters of Administration in England . . . . . Cap. 77. E.
———————; to amend the Law relating to Probates and Letters of Administration in Ireland . . . . . . Cap. 79. I.
Admiralty; enabling the Commissioners of the Admiralty to supply Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for vesting in the said Commissioners certain Lands belonging to Her Majesty Cap. 32. E.
———; enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham, and to stop up, divert, or alter certain Ways in the said Parish . . . . . . Cap. 30. E.
Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, to regulate, in certain Cases Cap. 39. U.K.
Aldershot, to apply the Public Health Act, 1848, to the Parish of, and to constitute a Local Board of Health therein . . . . . Cap. 22. E.
Annuity to the Princess Royal; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal . . . . Cap. 2. U. K.
Appropriation of Supplies; to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year 1857, and to appropriate the Supplies granted in this Session of Parliament . . Cap. 69. U. K.
Army. *See* Mutiny. Militia.
Assessed Taxes; to amend the Laws relating to the Payment of Land and Assessed Taxes and Property and Income Tax . . . . Cap. 28. S.
Assignations of Long Leases, to provide for the Registration and Cap. 26. S.
Attornies of Colonial Courts; to regulate the Admission of, in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases Cap. 39. U. K.

Ballots for the Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom . . . Cap. 21. G.B. & I.
Bankers; to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property, Cap. 54. E. & I.
Banking Companies, to amend the Law relating to . Cap. 49. G.B. & I.
Bankruptcy and Insolvency, to consolidate and amend the Laws relating to Cap. 60. I.
Bankruptcy and Real Securities, to remove Doubts as to the Law of Cap. 19. S.
Barristers (Revising), to enable the Lord Lieutenant to appoint, for the Revision of Lists and Registry of Voters for the City of Dublin . . Cap. 68. S.
Bill Chamber, to regulate Procedure in the . . . Cap. 18. I.
Books, Pictures, &c.; for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles . . . . Cap. 83. E.
Boundaries (Canada and New Brunswick); to explain 14 and 15 Vict. c. 63. for the Settlement of the Boundaries between the Provinces . . Cap. 34. U.K.
Boundaries of Burghs; to provide for the Extension of the Boundaries of Burghs, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes . . Cap. 70. S.
Boundaries of certain Denominations of Lands for Public Purposes, to make further Provision for defining the . . . . . Cap. 45. I.
Buckingham Palace, to extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico, and in the Neighbourhood of . . . . Cap. 67. E.
Building Leases of Glebe Lands; to enable Ecclesiastical Persons to Grant, in certain Cases . . . . Cap. 47. I.
Burghs, Boundaries of, to provide for the Extension of . . Cap. 70. S.
Burghs and Counties, to render more effectual the Police in . Cap. 72. S.
Burial of the Dead within the City and Liberties of London, to Amend 15 and 16 Vict., c. 85, concerning . . . . . Cap. 35. E.
———, to amend the Burial Acts . . . . . Cap. 81. E.
———, to amend "The Burial Grounds (Scotland) Act, 1855" (18 and 19 Vict. c. 68) . . . . Cap. 42. S.

Caledonian Canal; to amend 11 and 12 Vict. c. 54. relating to, and to make further Provision for the Accommodation of the Traffic thereon . Cap. 27. S.
Canada and New Brunswick, to explain 14 and 15 Vict. c. 63, for the Settlement of the Boundaries between the Provinces of . . . Cap. 34. U. K.
Capitular and Episcopal Estates, to continue the Act 14 and 15 Vict. c. 104, concerning the Management of . . . . . . Cap. 74. E.
Charities; further to continue for a limited Time the Exception of certain Charities from the operation of the Charitable Trusts Acts . . Cap. 76. E.
Charity Commissioners; confirming a Scheme of, for Dulwich College Cap. 84. E.
Charter of Incorporation to the Borough of Hanley (County of Stafford), to amend . . . . Cap. 10. E.
Chatham; enabling the Commissioners of the Admiralty to purchase certain Lands, and to stop up, divert, or alter certain Ways in the Parish of Cap. 30. E.
Children, to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools . . . . Cap. 48. E.
———; to promote the Establishment and Extension of Reformatory Schools . . . . Cap. 55. E.
Christ Church (West Hartlepool), to render valid certain Marriages in Cap. 29. E.
Cinque Ports; for the Amendment of the Cinque Ports Act (18 and 19 Vict. c. 48) . . . . Cap. 1. E.
City of London; to amend the Act 15 and 16 Vict. c. 85; to amend the Laws concerning the Burial of the Dead in the Metropolis, so for as relates to the City and Liberties of London . . . . . Cap. 35. E.
Civil Service Superannuation; to repeal the Twenty-seventh Section of the Superannuation Act, 1834 (4 and 5 Will. IV. c. 24) . . . Cap. 37. U. K.
Claims of the New Zealand Company on the Proceeds of Sales of Waste Lands, for discharging . . . . Cap. 52. U. K.
Collection of County Cess, to revive and amend the Act 11 and 12 Vict. c. 32, relating to . . . . Cap. 7. I.

College of God's Gift, Dulwich, confirming a Scheme of the Charity Commissioners for, with certain Alterations . . . . . Cap. 84. E.

College of St Mary Winchester; to continue the Powers of the Commissioners under the Act 17 and 18 Vict. c. 81, concerning, and further to amend the said Act . . . . Cap. 25. E.

Colonial Courts; to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases . . . . Cap. 39. U. K.

Commissioners of Public Works. *See* Public Works.

——— of the Admiralty. *See* Admiralty.

——— of the Land Tax; to appoint additional, for executing the Acts for granting a Land Tax and other Rates and Taxes . . Cap. 46. E.

Commons Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales Cap. 20. E.

———; to amend and explain the Inclosure Acts . Cap. 31. E.

Companies, to amend the Law relating to Banking . . Cap. 49. G. B. & I.

——— *See also* Joint Stock Companies.

Consolidated Fund, to apply the Sum of £8,000,000 out of, to the Service of the Year 1857 . . . . Cap. 4. U. K.

———; to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1857, and to appropriate the Supplies granted in this Session of Parliament . . Cap. 69. U. K.

Constabulary Force, to amend the Act 11 and 12 Vict. c. 72, so far as relates to the Distribution of the . . . . Cap. 17. I.

———; to constitute the Constabulary Force Officers of Customs for certain Purposes . . . . Cap. 40. I.

———; to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 and 20 Vict. c. 36 . . . . . . Cap. 7. I.

———. *See likewise* Police.

Corporations (Municipal), to amend the Acts concerning . . Cap. 50. E.

Counties and Burghs; to render more effectual the Police in . Cap. 72. S.

County Cess, to revive and amend 11 and 12 Vict. c. 32, relating to the Collection of . . . . Cap. 7. I.

County Courts, to Supply an Omission in a Schedule to the Act 19 and 20 Vict. c. 108, to amend the Acts relating to . . . Cap. 36. E.

Court of Exchequer Chamber, to alter the Constitution and amend the Procedure of the . . . . Cap. 6. I.

Court of Session, to regulate the Distribution of Business in the . Cap. 56. S.

Courts of Scotland; to regulate the Institution of Suits in, at the Instance of the Crown and the Public Departments . . . . Cap. 44. S.

Courts, Colonial; to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases . . . . Cap. 39. U. K.

Crinan Canal; to amend 11 and 12 Vict. c. 54, relating to, and to make further Provision for the Accommodation of the Traffic thereon . . Cap. 27. S.

Crown Suits; to regulate the Institution of Suits at the Instance of the Crown and Public Departments in the Courts of Scotland . . Cap. 44. S.

Customs, for the Alteration and Amendment of the Laws and Duties of Cap. 62. U. K.

———, for granting certain Duties of Customs and Excise . Cap. 61. U. K.

———, to constitute the Constabulary Force Officers of Customs for certain Purposes . . . . Cap. 40. I.

Dead, Burial of; to amend 15 and 16 Vict. c. 85, so far as relates to the City of London and the Liberties thereof . . . . . Cap. 35. E.

———, to amend "The Burial Grounds (Scotland) Act, 1855" (18 and 19 Vict. c. 68) . . . . Cap. 42. S.

———, to amend the Burial Acts . . . . Cap. 81. E.

Denmark; to carry into effect a Convention between Her Majesty and the King of Denmark, for the Redemption of the Sound Dues . . Cap. 12. U. K.

Destitute Children, to make better Provision for the Care and Education of . . . . Cap. 48. E.

Distillation, Illicit; to continue and amend the Act 17 and 18 Vict. c. 89, and also the Laws for the Suppression and Prevention of . . Cap. 40. I.

Distribution of the Constabulary Force in Ireland, amending the Act 11 and 12 Vict. c. 72, so far as relates to . . . . . . Cap. 17. I.

Divorce, to amend the Law relating to . . . . Cap. 85. E.

Drainage and Navigation, enabling the Commissioners of Public Works to sell Mill Sites and Water Power, notwithstanding Final Award . Cap. 23. I.

Dublin, to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of . Cap. 68. I.

Dulwich College; confirming a Scheme of the Charity Commissioners for, with certain Alterations . . . . . . Cap. 84. E.

Dunbar Harbour; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of Improving the Victoria Harbour of Dunbar . . . Cap. 63. S.

East India Company; for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service . . . . Cap. 66. U. K.

Ecclesiastical Persons, to enable, to grant Building Leases of Glebe Lands, in certain Cases . . . . Cap. 47. I.

Election of Representative Peers for Ireland, to regulate certain Proceedings in relation to . . . . Cap. 33. I.

Episcopal and Capitular Estates, to continue the Act 14 and 15 Vict. c. 104, concerning the Management of . . . . . Cap. 74. E.

Exchequer Chamber, to alter the Constitution and amend the Procedure of the Court of . . . . Cap. 6. I.

Excise; for granting certain Duties of Customs and Excise . Cap. 61. U. K.

Frauds committed by Trustees, Bankers, and other Persons intrusted with Property, to make better Provision for the Punishment of . . Cap. 54. E. & I.

Furnaces, for the Abatement of the Nuisance arising from the Smoke of . . . . Cap. 73. S.

General Board of Health, to continue . . . . Cap. 38. E.

——————; to apply the Public Health Act, 1848, to the Parish of Aldershot, and to constitute a Local Board of Health therein . Cap. 22. E.

Glebe Lands, to enable Ecclesiastical Persons to grant Building Leases of, in certain Cases . . . . Cap. 47. I.

God's Gift College, Dulwich, confirming a Scheme of the Charity Commissioners for, with certain Alterations . . . . . Cap. 84. E.

Grand Juries, to amend 6 and 7 Will. IV. c. 116, for consolidating and amending the Laws relating to the Presentment of Public Money by . Cap. 15. I.

Hanley Borough Corporation; to amend the Charter of Incorporation granted to the Borough of Hanley in the County of Stafford . . Cap. 10. E.

Harbour of Refuge at Portland, enabling the Commissioners of the Admiralty to supply Water for the use of Vessels resorting to . . Cap. 32. E.

Harbour of Dunbar; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour of Dunbar . . . Cap. 63. S.

Hartlepool West; to render valid certain Marriages in Christ Church, West Hartlepool, County of Durham . . . . . . Cap. 29. E.

Health. *See* Public Health.

Illicit Distillation; to continue and amend the Act 17 and 18 Vict. c. 89, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland . . . . Cap. 40. I.

Inclosure of Lands; to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales . . . . Cap. 20. E.

Inclosure of Lands; to explain and amend the Inclosure Acts, . Cap. 31. E.

Income Tax, to continue the Act 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of, in respect of Insurance on Lives . . . . Cap. 5. G. B. & I.

———, to amend the Laws relating to the Payment of . Cap. 28. S.

Incorporation, Charter of, granted to the Borough of Hanley, in the County of Stafford, to amend . . . . Cap. 10. E.

Industrial Schools, for the Extension of . . . . Cap. 48. E.

Insolvency, to consolidate and amend the Laws relating to Bankruptcy and . . . . Cap. 60. I.

Insurance on Lives, to confirm 16 and 17 Vict c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of . . . . Cap. 5. G. B. & I.

Joint Stock Companies; to amend 7 and 8 Vict. c. 111, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts 1848 and 1849" . . . . Cap. 78. G. B. & I.

——— to amend the Joint Stock Companies Act, 1856 (19 and 20 Vict. c. 47) . . . . Cap. 14. G. B.

——— further to amend the Joint Stock Companies Act, 1856 (19 and 20 Vict. c. 47) . . . . Cap. 80. G. B.

——— to amend the law relating to Banking Companies Cap. 49. G. B. & I.

Jurisdiction in Siam, to confirm an Order in Council concerning the Exercise of . . . . Cap. 75. U. K.

Justice of the Peace, to improve the Administration of the Law, as far as respects Summary Proceedings before . . . . Cap. 43. E. & I.

Lands; to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales, . Cap. 20. E.

——— to amend and explain the Inclosure Acts, . . . Cap. 31. E.

——— to make further Provision for defining the Boundaries of certain Denominations of Land for public Purposes in Ireland . . . Cap. 45. I.

——— to amend the Act 17 and 18 Vict. c. 91, for the Valuation of Lands Cap. 58. S.

Land Tax; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes . . . Cap. 46. E.

——— to amend the Laws relating to the Payment of the Land and Assessed Taxes . . . . Cap. 28. S.

Leases; to provide for the Registration of Long Leases and Assignations thereof . . . . Cap. 26. S.

———; to enable Ecclesiastical Persons to grant Building Leases of Glebe Lands in certain Cases . . . . Cap. 47. I.

Letters of Administration; to amend the Law relating to Probates and Letters of Administration in England . . . . . Cap. 77. E.

———————; to amend the Law relating to Probates and Letters of Administration in Ireland . . . . . Cap. 79. I.

Life Insurance; to continue the Act 16 and 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives . . . . Cap. 5. G. B. & I.

Loan; to guarantee a Loan for the Service of New Zealand Cap. 51. U. K.

Loan Societies, to revive and continue 3 and 4 Vict. c. 110 to amend the Laws relating to . . . . Cap. 41. E.

Local Board of Health, to constitute, for the Parish of Aldershot Cap. 22. E.

London; to amend 15 and 16 Vict. c. 85, concerning the Burial of the Dead in the Metropolis, so far as relates to the City and Liberties of London Cap. 35. E.

Long Leases, to provide for the Registration of . . . Cap. 26. S.

Lunatics; for the Regulation of the Care, and Treatment of, and for the Provision, Maintenance, and Regulation of Lunatic Asylums . . Cap. 71. S.

Marriages in Christ Church, West Hartlepool, to render valid . Cap. 29. E.

Married Women, to enable, to dispose of Reversionary Interests in Personal Estate . . . . Cap. 57. E. & I.

Matrimonial Causes, to amend the Law relating to Divorce and . Cap. 85. E.

Metropolitan Police, for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Laws concerning the Metropolitan Police . . . . . . Cap. 64. E.

Militia; to authorize the embodying of the Militia . Cap. 82. G. B. & I.

——; to amend the Militia (Ireland) Act, 1854 (17 and 18 Vict. c. 107) Cap. 11. I.

——; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom . . . . . . Cap. 21. G. B. & I.

——; to defray the Charge of the Pay, Clothing, &c. of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers . . . . Cap. 65. G. B. & I.

Mill Sites and Water Power in Drainage or Navigation Districts, to enable the Commissioners of Public Works in Ireland to sell, notwithstanding Final Award . . . . Cap. 23. I.

Ministers Money, to amend the Act 17 and 18 Vict. c. 11, with a view to the Abolition of . . . . Cap. 8. I.

Municipal Corporations, to amend the Acts concerning . . Cap. 50. E.

Mutiny (East India); for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in the Service . . . Cap. 66. U. K.

Navigation Districts and Water Power; to authorize the Commissioners of Public Works to sell Mill Sites and Water Power, notwithstanding Final Award . . . . Cap. 23. I.

New Brunswick; to explain 14 and 15 Vict. c. 63, for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick Cap. 34. U. K.

New Zealand, to guarantee a Loan for the Service of . . Cap. 51. U. K.

——, to amend the Act 15 and 16 Vict. c. 72, for granting a Representative Constitution to the Colony of . . . . Cap. 53. U. K.

——, for discharging Claims of the New Zealand Company in the Proceeds of Sales of Waste Lands in . . . . . Cap. 52. U. K.

Nuisance arising from the Smoke of Furnaces, for the Abatement of Cap. 73. S.

Obscene Books, Pictures, Prints, and other Articles, for more effectually preventing the Sale of . . . . Cap. 83. E.

Oxford University; to continue the Powers of the Commissioners under the Act 17 and 18 Vict. c. 81, concerning Oxford University, and further to amend the said Act . . . . Cap. 25. E.

Parochial Schoolmasters, to regulate the Salaries of . . Cap. 59. S.

Peers (Representative) for Ireland, to regulate certain Proceedings in Relation to the Election of . . . . Cap. 33. I.

Penal Servitude; to amend the Act 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation . . Cap. 3. U. K.

Personal Estate, to enable Married Women to dispose of Reversionary Interests in . . . . Cap. 57. E. & I.

Pictures, Prints, &c.; for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles . . . . Cap. 83. E.

Pimlico Improvements, to extend the Time for enabling the Commissioners of Her Majesty's Works to complete . . . . . . Cap. 67. E.

Police; to render more effectual the Police in Counties and Boroughs, for raising a Sum of Money for building and improving Stations, and to amend the Acts concerning the Metropolitan Police . . . . Cap. 64. E.

——; to constitute the Constabulary Force Officers of Customs for certain Purposes . . . . Cap. 40. I.

——, to amend 11 and 12 Vict. c. 72, so far as relates to the Distribution of . . . . Cap. 17. I.

Police; to provide for the Appointment of Collectors to levy the Expenses of additional Constabulary, appointed under 19 and 20 Vict. c. 36 . Cap. 7. I.
Poor; to facilitate the procuring of Sites for Workhouses in certain Cases, Cap. 13. E.
Portland Harbour; for the better Supply of Water for the use of Vessels resorting to the Harbour of Refuge at Portland, and enabling the Commissioners of the Admiralty to supply such Water, and for vesting in said Commissioners certain Lands belonging to Her Majesty . . . Cap. 32. E.
Presentments (Grand Juries); to amend 6 and 7 Will. IV. c. 116, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries . . . . Cap. 15. I.
Princess Royal; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal . . . . . . Cap. 2. U. K.
Prints, Books, &c.; for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other articles . . . Cap. 83. E.
Probates; to amend the Law relating to Probates and Letters of Administration in England . . . . Cap. 77. E.
———; to amend the Law relating to Probates and Letters of Administration in Ireland . . . . Cap. 79. I.
Procedure in the Court of Exchequer Chamber, to amend the, . Cap. 6. I.
——— in the Bill Chamber, to regulate . . . Cap. 18. S.
——— to improve the Administration of the Law so far as respects Summary Proceedings before Justices of the Peace . . . Cap. 43. E. & I.
Property and Income Tax, to amend the Laws relating to the Payment of, Cap. 28. S.
Provisional Orders for the Relief of Turnpike Trusts, to confirm certain, Cap. 9. E.
Public Health; to apply the Public Health Act, 1848, to the Parish of Aldershot, and to constitute a Local Board of Health therein . . Cap. 22. E.
———; to continue the General Board of Health . Cap. 38. E.
Public Roads in Ireland; to discontinue the taking of Toll on Turnpike Roads in Ireland, and for maintaining such Roads as public Roads . Cap. 16. I.
Public Works in Ireland, to authorize the Commissioners of, to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District . . . . Cap. 23. I.
Public Works and Buildings; to extend the Time for enabling the Commissioners of, to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace . . . . Cap. 67. E.
Punishment in lieu of Transportation; amending 16 and 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation Cap. 3. U. K.

Queen; to carry into effect a Convention between Her Majesty and the King of Denmark for the Redemption of the Sound Dues . Cap. 12. U. K.
———; to enable Her Majesty to settle an Annuity on the Princess Royal . . . . Cap. 2. U. K.

Real Securities, to remove Doubts as to the Law of Bankruptcy and Cap. 19. S.
Redemption of the Sound Dues; to carry into effect a Convention between Her Majesty and the King of Denmark, for . . Cap. 12. U. K.
Reformatory Schools, to promote the Establishment and Extension of Cap. 55. E.
Registration of Long Leases, and Assignations thereof, to provide for Cap. 26. S.
Relief of Turnpike Trusts, to confirm certain Provisional Orders to facilitate Arrangements for . . . . Cap. 9. E.
Representative Constitution for New Zealand, amending the Act 15 and 16 Vict. c. 72, for granting . . . . . . Cap. 53. U. K.
Representative Peers for Ireland, to regulate certain Proceedings relating to the Election of . . . . Cap. 33. I.
Reversionary Interests in Personal Estates, to enable Married Women to dispose of . . . . Cap. 57. E. & I.
Revising Barristers, enabling the Lord Lieutenant to appoint, for the Revision of Lists and Registry of Voters for the City of Dublin . . Cap. 68. I.
Roads. *See* Turnpike Roads.

Sale of Obscene Books, Prints, &c., for more effectually preventing Cap. 83. E.

Sale of Waste Lands, for discharging Claims of the New Zealand Company in the Proceeds of . . . . . . Cap. 52. U. K.

Schoolmasters (Parochial), to regulate the Salaries of . . Cap. 59. S.

Schools, for the Extension of Industrial . . . . Cap. 48. E.

———, to promote the Establishment and Extension of Reformatory Schools . . . . Cap. 55. E.

Securities (Real), to remove Doubts as to the Law of Bankruptcy and Cap. 19. S.

Session (Court of), to regulate the Distribution of Business in the Cap. 56. S.

Siam, to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of . . . . Cap. 75. U. K.

Sites for Workhouses, to facilitate the procuring, in certain Cases . Cap. 13. E.

Smoke of Furnaces, for the Abatement of the Nuisance arising from Cap. 73. S.

Solicitors of Colonial Courts, to regulate the Admission of, in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases . Cap. 39. U. K.

Sound Dues, to carry into effect a Convention between Her Majesty and the King of Denmark for the Redemption of . . . . Cap. 12. U. K.

Stranton (County of Durham), to render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of . . . . Cap. 29. E.

Suits, to regulate the Institution of, at the Instance of the Crown and the Public Departments in the Courts of Scotland . . . Cap. 44. S.

Summary Proceedings before Justices of the Peace, to improve the Administration of the Laws, as far as respects . . . . . Cap. 43. E. & I.

Superannuation in the Civil Service; to repeal the Twenty-seventh Section of the Superannuation Act, 1834 (4 and 5 Will. IV., c. 24) . . Cap. 37. U. K.

Supplies, Appropriation of, for the Year 1857 . . . Cap. 69. U. K.

———, to apply £8,000,000 out of the Consolidated Fund to the Service of the Year 1857 . . . . Cap. 4. U. K.

Taxes; to amend the Laws relating to the Payment of Land and Assessed Taxes, and Property and Income Tax . . . . . . Cap. 28. S.

Toll, to discontinue the taking of, on Turnpike Roads in Ireland . Cap. 16 I.

Transportation, to amend the Act 16 & 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of . . . . . Cap. 3. U. K.

Trustees; to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons . . . . Cap. 54. E. & I.

Turnpike Acts, to continue certain . . . . Cap. 24. G. B.

Turnpike Roads now existing in Ireland, to discontinue the taking of Toll on, and to provide for the Maintenance of such Roads as Public Roads, and for the Discharge of Debts due thereon, and for other Purposes relating thereto . . . . Cap. 16. I.

Turnpike Trusts, to confirm certain Provisional Orders made under the Act 14 and 15 Vict. c. 38, to facilitate Arrangements for the Relief of Cap. 9. E.

University of Oxford; to continue the Powers of the Commissioners under the Act 17 and 18 Vict. c. 81, concerning the University of Oxford and the College of St Mary Winchester, and further to amend the said Act . Cap. 25. E.

Vagrant Children, to make better Provision for the Care and Education of . . . . Cap. 48. E.

———, to promote the Establishment and Extension of Reformatory Schools . . . . Cap. 55. E.

Valuation of Lands, amending the Act 17 and 18 Vict. c. 91, for the Cap. 58. S.

Victoria Harbour of Dunbar; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of Improving the Victoria Harbour . . . Cap. 63. S.

Voters; to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin Cap. 68. I.

———; to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes . . . Cap. 70. S.

Waste Lands in New Zealand; for discharging Claims of the New Zealand Company in the Proceeds of Sales of . . . . . Cap. 52. U. K

Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, for enabling the Commissioners of the Admiralty to supply . Cap. 32. E.
Water Power in Drainage or Navigation Districts, to enable Commissioners of Public Works to sell, notwithstanding Final Award . . Cap. 23. I.
West Hartlepool; to render valid certain Marriages at Christ Church, West Hartlepool, in the Parish of Stranton in the County of Durham . Cap. 29. E.
Winchester (College of St Mary), to continue the Powers of the Commissioners under 17 and 18 Vict. c. 81 concerning, and further to amend the said Act . . . . Cap. 25. E.
Winding-up Acts, 1848 and 1849, to amend . . Cap. 78. G. B. & I.
Women, to enable Married Women to dispose of Reversionary Interests in Personal Estate, ... Cap. 57. E. & I.
Workhouses, to facilitate the procuring of Sites for, in certain Cases Cap. 13. E.
Works and Public Buildings, extending the Time for enabling the Commissioners of, to complete Improvements in Pimlico, and in the Neighbourhood of Buckingham Palace . . . . Cap. 67. E.

APPENDIX.

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxlviii.

An Act to consolidate and amend the Acts for the more effectual Preservation and Increase of Salmon, and the Regulation of the Fisheries in the River Tweed.—[17*th* August 1857.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River* Tweed, *and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River;* and another Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled 'An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River* Tweed, *and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River:'* And whereas the Salmon Fisheries in the River *Tweed* of late Years have been much less productive and have greatly decreased in Value, and it is of public Importance that more effectual Means should be

11 G. 4. & 1 W. 4. c. liv.

6 & 7 W. 4. c. lxv.

adopted for the Preservation and Increase of the Breed of Salmon, and for that Purpose it is necessary and expedient that the said Acts should be consolidated and amended, and that further Provisions should be made for the Regulation of the said Fisheries, for the removal of Nuisances and Obstructions, and the Prevention of illegal Fishing in the said River; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *Tweed* Fisheries Act, 1857."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; that is to say,

The Expression "the River" shall mean and include the River *Tweed*, and every River, Brook, or Stream which flows or runs into the said River, and also the Mouth or Entrance of the said River as described and defined in this Act:

The Word "Salmon" shall mean and include Salmon, Grilse, Sea Trout, Bull Trout, Whitling, and other fish of the Salmon kind:

The Expressions "fixed Net" and "fixed Engine" shall respectively mean and include Stake, Bag, Bob, Hang, Sole, Stell, and Cairn Nets, and all Nets, Cruives, Engines, or Devices, of whatsoever Construction or Materials the same may be or however known or termed, used or which may be used for taking, killing, leading, or turning Salmon, or for obstructing the free Passage of Salmon, and fixed to the Soil, or anchored, moored, or fixed or made stationary in any way whatever:

The Word "Fishery" shall mean a Salmon Fishery in the River:

The Word "Commissioners" shall mean the Commissioners appointed by this Act, and shall include the Representatives of Commissioners as herein-after provided:

The Words "Clerk" and "Treasurer" shall mean respectively the Clerk and Treasurer to the Commissioners for the Time being:

The Word "Sheriff" shall mean the Sheriff of the County in *Scotland* where the Matter requiring the Cognizance of such Sheriff shall arise, and shall include the Sheriff Substitute of such County:

The Words "Justice" and "Justices" shall severally mean a Justice of the Peace or Two or more Justices of the Peace acting for the County, City, Liberty, or Place in *England* or *Scotland* where the Matter requiring the Cognizance of such Justice or Justices shall arise:

The Word "Owner" shall mean any Person or Corporation who is the Proprietor of a Fishery in the River, or who receives or is entitled to receive the Rents of such Fishery on his or their own Account, or as Trustee, Guardian, or Factor for any Person or Corporation.

Recited Acts repealed.

III. From and after the passing of this Act the recited Acts shall be and are hereby repealed, and this Act shall commence and take effect.

Rates and Property vested in the Commissioners.

IV. All Rates, Rents, Goods, Debts, Moneys, and other Property and Effects whatsoever, heritable and moveable, real and personal, belonging or owing to or held by the Commissioners and Overseers acting under the recited Acts, subject to the existing Debts, Liabilities, Engagements, Contracts, Obligations, and Incumbrances affecting the same, are hereby vested in and may be lawfully held, used, exercised, enforced, recovered, and enjoyed by the Commissioners appointed by this Act.

Contracts and Deeds to remain in force, and Commissioners liable for Debts.

V. All Contracts, Agreements, and other Deeds, Instruments, and Writings made, executed, or entered into between any Person and the said Commissioners and Overseers, or by, to, in favour of, or for the said Commissioners and Overseers, shall be and continue as good, valid, and effectual to all Intents and Purposes as if the recited Acts had not been repealed; and the Commissioners shall be liable for all Debts, Obligations, and Engagements of the said Commissioners and Overseers due and owing at the Time of the passing of this Act.

Actions not to abate.

VI. All Actions, Suits, and Proceedings at Law or in Equity, and all Arbitrations, to which the said Commissioners and Overseers at the Time of the passing of this Act have been or are Parties, are hereby specially saved and reserved entire, and shall not be prejudiced or affected by anything in this Act contained, and may be proceeded in by or against the Commissioners without the Necessity of intimating such Action, Suit, Proceeding, or Arbitration to the Commissioners, or making them formally Parties thereto; and all Offences against the Provisions of the recited Acts, or either of them, committed before the passing of this Act, may be prosecuted, and all Penalties and Forfeitures incurred by reason of such Offences may be sued for and recovered, by the Commissioners in the same Manner in all respects as if the recited Acts had not been repealed.

Proceedings under recited Acts to be valid.

VII. Nothwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything done or suffered under the recited Acts shall be as valid as if the same were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the recited Acts were not repealed and this Act were not passed, would be incident to or consequent on any and everything so done or suffered; and with respect to all such Rights, Liabilities, Claims, or Demands which affect or should or might affect the said Commissioners and Overseers, the Commissioners shall represent the said Commissioners and Overseers, and may enforce and shall be liable in respect of such Rights, Liabilities, Claims, or Demands in the same Manner and to the same Extent as the said Commissioners and Overseers could enforce or be liable to in respect of such Rights, Liabilities, Claims, or Demands: Provided that the Generality of this Enactment shall not be restricted by any of the other Clauses or Provisions of this Act.

Arrears of Rates to be paid to the Commissioners.

VIII. All Rates leviable under or by virtue of the recited Acts or any of them, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not been passed would have accrued due and been payable, to the said Commissioners and Overseers, shall continue in Force and be due and payable to the Commissioners, and may be sued for, collected, and recovered by such Means and under such Restrictions and Regulations as any Rates may be sued for, collected, or recovered under or in pursuance of this Act.

Present Officers continued.

IX. The Clerk, Treasurer, and other Officers of the said Commissioners and Overseers at the Time of the passing of this Act shall be Officers and Servants of the Commissioners appointed by this Act until removed, and shall be subject to the Provisions of this Act as regards both their past and future Actings and Intromissions; and all Bonds and Securities granted to the said Commissioners and Overseers for the Performance of the Duties of such Clerk, Treasurer, and other Officers, and accounting for their Intromissions, shall remain valid and effectual, and may be enforced by the Commissioners in the same Manner and to the same Extent and Effect as such Bonds and Securities might have been enforced by the said Commissioners and Overseers.

Commissioners appointed.

X. Every Proprietor of Salmon Fishings in the River of the annual Value of Thirty Pounds, or which extend Half a Mile in Length, where such Fishings are only on One Side of the River, or a Quarter of a Mile in Length where such Fishings comprehend both Sides of the River, the Husband of every Proprietrix or Liferentrix, One Guardian of each Minor, One Trustee of every Estate, and One Member or Trustee of each Corporation or Company respectively holding or possessing such Salmon Fishings of the annual Value or Extent aforesaid, shall be and are hereby appointed Commissioners for the Execution of this Act; and it shall be lawful for the Commissioners of *Greenwich Hospital*, the Dean and Chapter of the Cathedral Church of *Durham*, the Mayor and Corporation of the Town of *Berwick*, and the Trustees under the Will of *Nathaniel* late Lord *Crewe*, each to nominate, by an Instrument in Writing under their Hands or Seals, from Time to Time One Person to be a Commissioner as aforesaid to represent each of them, which Person so nominated shall have the like Powers to vote and act as the Commissioners hereby appointed, and such Nomination shall be from Time to Time revocable at the Option of the Party by whom such Commissioners shall be respectively nominated.

Commissioners may name Representatives.

XI. It shall be lawful for every Commissioner qualified under this Act to nominate, by any Instrument in Writing under his Hand, from Time to Time One other qualified Commissioner to be Proxy for and to represent and act in all Meetings of the Commissioners as the Representative or Proxy of the Commissioner by whom he is so nominated, which Commissioner so nominated shall be entitled, in the Absence of each such Commissioner for whom he may be so nominated, to vote at all Meetings for each Commissioner by whom he is so nominated as well as for himself.

Factors and Attornies may represent Commissioners.

XII. It shall be lawful for every Commissioner qualified under this Act, or the Guardians or Administrators at Law of every Person qualified to be a Commissioner who may be under Age or otherwise incapable of acting, to nominate from Time to Time his or their *bonâ fide* ordinary Chamberlain, Factor, or Attorney, holding a regular written Appointment as such, to be Proxy, and to represent and act in all Meetings of the Commissioners as the Representative or Proxy of the Person for whom he is so nominated in the Absence of such Person; but no such Chamberlain, Factor, or Attorney so nominated (unless he be himself a Commissioner qualified under this Act) shall at such Meetings vote or act on more than One Proxy, without regard to the Number of Proxies he may hold.

As to Proxies.

XIII. Every Proxy granted under the Powers of this Act, except such as are granted under the Provisions of the immediately preceding Section to a Chamberlain, Factor, or Attorney, shall be used only for the Meeting therein specified; and every such Proxy may be used for the ordinary Business to be transacted at such Meeting, and according to the Terms and Instructions therein contained as to any special Matters to be brought before such Meeting.

XIV. In

Eldest Son or other Heir of a Commissioner may represent him in case of Absence.

XIV. In case of the Absence from any Meeting of Commissioners of any Commissioner who shall not have appointed a Proxy to act for him in manner before provided, it shall be lawful for the eldest Son or other Heir apparent of such Commissioner to act and vote at such Meeting in the Stead of his Father or of the Person of whom he is such Heir.

Penalty on Commissioners acting if not qualified.

XV. Any Person not qualified as herein provided who acts as a Commissioner under this Act, or nominates any Person to act for him, shall for every such Offence be liable to a Penalty of Twenty Pounds.

Commissioners not to act while holding Places of Profit.

XVI. Any Commissioner who accepts of any Place of Profit under this Act shall from thenceforth, and while he continues to hold such Place of Profit, be disqualified from acting or voting as a Commissioner, and from representing or voting for any other Commissioner at any Meeting of the Commissioners; and any Person so disqualified who acts or votes as aforesaid shall for every such Offence be liable to a Penalty of Twenty Pounds.

First and subsequent Meetings.

XVII. The Commissioners shall hold their First Meeting for the Purposes of this Act on the Third *Monday* after the passing of this Act at *Cornhill*, and shall hold One General Meeting on the First *Monday* of *September* in every Year thereafter at *Cornhill*, or at *Berwick*, *Coldstream*, *Kelso*, or *Melrose*, as may be fixed upon by the Commissioners at their immediately preceding Annual General Meeting; and no Matters other than the ordinary Business of the Commission shall be transacted at any such Annual General Meeting unless special Notice of such Matters has been given by Advertisement as herein-after provided in the Case of Special Meetings: Provided, that if no other Place be specially fixed upon at any such Annual General Meeting, the next Annual Meeting of the Commissioners shall be held at *Cornhill*.

Special Meetings may be called.

XVIII. It shall be lawful for any Three Commissioners from Time to Time, by a Requisition in Writing and Signed by them, to require the Clerk to call a Special General Meeting of the Commissioners, and on the Receipt of such Requisition the Clerk shall call such Meeting by an Advertisement inserted at least twice in some One Newspaper published in the County of *Roxburgh* and in *Berwick-upon-Tweed* respectively, and if no Newspaper shall be there published, then in Two Newspapers, the one published in *Edinburgh* and the other in *Newcastle-upon-Tyne*, at least Ten days before such Meeting shall be held, and which Requisition and Advertisement shall specify the Time and Place and the Purposes of such Meeting, and it shall not be lawful at any such Meeting to enter upon any other Business than that which is specified in such Requisition and

Advertisement; and all such Special General Meetings shall be held at *Cornhill*, or at such other Place as the Commissioners shall from Time to Time fix upon as the Place for holding Special General Meetings.

Quorum and Adjournment of Meetings.

XIX. The Quorum of every General and Special Meeting of Commissioners shall be Five, and if less than Five shall be present at any Meeting the Commissioners or Commissioner present shall have Power to adjourn the Meeting to such Time and Place as they or he shall think fit, and in that Case Notice shall be given of the Time, Place, and Purpose of such Adjourned Meeting by Advertisement inserted in any Two such Newspapers published as aforesaid at least Ten Days before such Adjourned Meeting: Provided, that it shall not be in the Power of any Adjourned or Special Meeting to alter or rescind any Act done or Resolution passed by any Annual General Meeting.

Chairman of Meetings.

XX. The Commissioners at every Meeting shall elect a Chairman to preside for that Meeting only, and if there be an equal Division of Votes on any Question the Chairman shall, in addition to his own Vote or Votes as a Commissioner, have a Second or Casting Vote.

District Meetings and their Powers.

XXI. The Commissioners assembled at their First or at any of their Annual General Meetings, or at Special General Meeting called as aforesaid, may appoint different Districts for the better conducting and managing the several Purposes of this Act, and may fix the Times and Places of Meetings of Commissioners of each District; and at such District Meetings the Commissioners appointed to act in and for such District shall have Power to name a Chairman, Clerks, and other Officers with suitable Salaries, and to take such Securities from those appointed to Offices of Trust for the due Execution of their Offices as they shall think proper; and in District Meetings of Commissioners Three shall be a Quorum, but any One or more attending shall have Power to adjourn; and a particular Report from each District, with a Copy of the Books and Minutes of the Proceedings kept within the same, shall be made to the General Annual Meeting in every Year, and in case of Failure or Neglect the Clerk to the District shall be liable to a Penalty not exceeding Twenty Pounds.

Votes Commissioners.

XXII. At all Meetings of the Commissioners each Commissioner having the Qualification in Extent or annual Value of Salmon Fishings defined in Section Ten shall be entitled to One Vote; and every Commissioner possessed of or representing Salmon Fishings of the annual Value of Two hundred Pounds and under Four hundred Pounds, or who shall pay towards the Funds by this Act authorized to be raised a Sum equal to the

Assessment leviable for the Time on Salmon Fishings of the annual Value of Two hundred Pounds, shall be entitled to Two Votes ; and every Commissioner possessed of or representing Salmon Fishings of the annual Value of Four hundred Pounds or upwards, or who shall pay towards the Funds by this Act authorized to be raised a Sum equal to the Assessment leviable for the Time on Salmon Fishings of the annual Value of Four hundred Pounds, shall be entitled to Three Votes ; and no Commissioner shall be entitled to more than Three Votes ; and when a Proxy is given for General Meetings it shall be for all the Votes to which the Commissioner giving it is entitled, and when for District Meetings for all the Votes to which the Commissioner giving it is entitled, in respect of Fisheries within the District for which it is used.

Commissioners to defray their own Expenses.

XXIII. At all Meetings of the Commissioners they shall defray their own Expenses, except such as may be incurred for the Use of the Room in which the Meeting is held, and for Books, Stationary, and Fire.

Commissioners may appoint Officers.

XXIV. It shall be lawful for the Commissioners at any General Meeting to appoint a Clerk and Treasurer and Superintendent of Water Bailiffs, and such other Officers as they shall think proper, with such Salaries as they shall think fit, and from Time to Time to remove and again to replace any Clerk, Treasurer, Superintendent, or other Officer ; and in case of the Clerk, Treasurer, Superintendent, or other Officer dying or being removed from or quitting the Service of the Commissioners, it shall be lawful for the Commissioners, at a Special General Meeting called for the Purpose by the Clerk or any Three of the Commissioners, of which Meeting Notice shall be given as herein-before provided, to appoint some other fit and proper Person to be Clerk, Treasurer, Superintendent, or Officer in his Place.

Books and Accounts to be kept and to be open to Inspection.

XXV. The Clerk shall attend the General and Special Meetings of the Commissioners, and shall, in proper Books to be provided for that Purpose, enter and keep a true and perfect Account of all the Money to received by virtue of this Act, and of the Application of the same, and Minutes of all the Acts and Proceedings under this Act of the Commissioners and of every Committee appointed by them ; and every such Minute shall be signed by the Chairman of the Meeting at which the Proceeding took place, and such Minute so signed shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Commissioners or Members of Committees respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all which Matters shall be presumed until the contrary is proved; and every Commissioner may at all convenient Times inspect and peruse such Books and Accounts *gratis*, and may demand and have Copies of any Part thereof on Payment of Sixpence for every One hundred Words so to be copied; and if the Clerk shall refuse to permit any Commissioner to inspect or peruse any such Books or Accounts at all convenient Times, or refuse to make any such Copies within a reasonable Time at the Rate aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Same Person not to be Clerk and Treasurer.

XXVI. The same Person shall not be appointed to the Office of Clerk and Treasurer; and if any Person being the Clerk or the Partner, or in the Service of the Clerk or of his Partner, shall accept the Office of Treasurer, or if any Person being the Treasurer or the Partner, or in the Service of the Treasurer or of his Partner, shall accept the Office of Clerk, he shall for every such Offence be liable to a Penalty of One hundred Pounds.

Penalty on Officer taking Fees other than those allowed.

XXVII. Every Officer employed by the Commissioners who shall exact or accept on account of anything done by virtue of his Office any Fee or Reward whatsoever other than the Salary or Allowances fixed by the Commissioners, or who shall be in any way concerned or interested in any Bargain or Contract made by the Commissioners, shall be liable to a Penalty of Fifty Pounds, and shall be incapable of being afterwards employed by the Commissioners.

Security to be taken from Officers intrusted with Money.

XXVIII. Before any Treasurer, Collector, or other Officer intrusted by the Commissioners with the Custody or Control of Moneys by virtue of his Office shall enter upon such Office, the Commissioners shall take sufficient Security from him for the faithful Execution thereof.

Collectors to pay over Moneys to the Treasurer.

XXIX. Every Collector appointed or employed by the Commissioners by virtue of this Act to collect any Rates shall, within Seven Days after he shall have received any Moneys on account of any such Rates, pay over the same to the Treasurer to the Account of the Commissioners, and the Receipt of the Treasurer for the Moneys so paid shall be a sufficient Discharge to such Collector; and every such Collector shall, in such Time and in such Manner as the Commissioners direct, deliver to them true and perfect Accounts in Writing under his Hand of all Moneys received by him and of all Moneys paid by him to the Treasurer by virtue of this Act, and also a List of the Names of all Persons who have neglected or refused to pay any Rate or Money owing by them, with a Statement of the Moneys due by them respectively.

Officers to account.

XXX. Every Collector and other Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Moneys received by him on behalf of the Commissioners, and such Account shall state how and to whom and for what Purpose such Moneys have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Moneys which shall appear to be owing by him upon the Balance of such Accounts.

Summary Recovery against Officers failing to account.

XXXI. If any such Collector or other Officer fail to render such Accounts as aforesaid, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Five Days after being thereunto required he fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power relating to the Execution of this Act or belonging to the Commissioners, then, on Complaint thereof being made to the Sheriff or a Justice, such Sheriff or Justice shall summon such Officer to appear before such Sheriff or before Two or more Justices, according as the Summons may have been issued by the Sheriff or a Justice, at a Time and Place to be set forth in such Summons, to answer such Charge: and upon the Appearance of such Officer, or upon Proof that such Summons was personally served upon him or left at his last known Place of Abode, such Sheriff or Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence or upon Inspection of the Account, that any Moneys of the Commissioners are in the Hands of such Officer or owing by him to the Commissioners, such Sheriff or Justices may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Sheriff or Justices to grant a Warrant to levy the same by Distress or by Poinding and Sale, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months, unless the same be sooner paid.

Officers refusing to make out Accounts and deliver up Docu-

XXXII. If any such Officer summoned as aforesaid refuse to make out such Account in Writing, or to produce and deliver to the Sheriff or Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power belonging ments may be committed to Prison.

belonging to the Commissioners, such Sheriff or Justices may commit such Officer to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts in his Possession or Power relating to such Accounts, and all the Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Commissioners.

Where Officers about to abscond a Warrant may be issued in the first instance.

XXXIII. If any Commissioner or other Person acting on behalf of the Commissioners shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and that he does believe, that it is the Intention of any such Officer to abscond, the Sheriff or Justice before whom the Complaint is made may, instead of issuing his Summons, issue his Warrant for bringing such Officer before the Sheriff if the Warrant be issued by him, or before any Two Justices if the Warrant be issued by a Justice; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before the Sheriff or some Justice, according as he may be summoned before the one or the other; and the Sheriff or Justice before whom such Officer may be brought may either discharge such Officer, if he think there is no sufficient Ground for his Detention, or order such Officer to be detained in Custody so as to be brought before the Sheriff or Two Justices at a Time and Place to be named in such Order, unless such Officer give Bail to the Satisfaction of such Sheriff or Justice for his Appearance before such Sheriff or Justices to answer the Complaint of the Commissioners.

Proceedings against Officers not to discharge Sureties.

XXXIV. No such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Commissioners may sue and be sued.

XXXV. The Commissioners may sue and be sued for or with respect to any Matter or Thing to be done in the Execution of this Act, or for any Penalties recoverable under the Provisions thereof, in the Name of their Clerk or in the Name of any Three of the Commissioners; and no Action or Suit wherein the Commissioners shall be concerned as Plaintiffs or Pursuers or Defendants or Defenders in the Name of their Clerk, or in the Name of any Three of the Commissioners by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Commissioner; but the Clerk for the Time being, or any Three of the Commissioners to be for that Purpose nominated, if Plaintiff or Pursuer, or who may be sued if Defendant or Defender, shall be deemed to be the Plaintiff or Pursuer or Defendant or Defender (as the Case may be) in every such Action or Suit.

XXXVI. It shall be lawful for the Commissioners assembled

Water Bailiffs to be appointed.

at any General, Special, or Adjourned Meeting to nominate and appoint such Number of Water Bailiffs for the Protection of the Fisheries and Detection of Offenders as to them shall appear expedient, or to authorize their District Meetings or any Two or more Commissioners to nominate and appoint such Water Bailiffs for such Periods and at such Salaries and on such Terms and Conditions as shall appear to be expedient; and it shall be in the Power of any General, Special, or District Meeting of Commissioners to remove such Water Bailiffs or any of them, and appoint others in their Room, and to make such Alterations in regard to their Salaries as to them shall appear proper; and it shall be lawful for any Two Commissioners to supply and fill up any Vacancy or Vacancies that may occur by the Death, Resignation, or Dismissal of any One or more Water Bailiffs till the next General, Special, or Adjourned Meeting be held; and before any Superintendent or Water Bailiff shall be entitled to act under the Authority of this Act he shall take the Oath following before any Sheriff or Justice of Peace; (*videlicet,*)

'I *A.B.* do solemnly swear, That I will duly and faithfully 'execute the Office of Superintendent [*or* Water Bailiff] 'in Terms of "The *Tweed* Fisheries Act, 1857." So help me GOD.'

And if any Person shall act as a Superintendent or Water Bailiff under the Authority of this Act without previously taking such Oath, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Powers of Water Bailiffs.

XXXVII. The Superintendent and Water Bailiffs appointed as aforesaid shall, after being sworn into Office, have and be entitled to exercise the Powers and Authorities of Constables in regard to all Matters connected with this Act in the same Manner as if Offences against this Act were Breaches of the Peace, and for the Purpose of preventing Offences, or of detecting and apprehending Offenders, to enter upon any Grounds adjoining the River, and at all Times with their Boats or otherwise to enter upon any Fishery in the River for the Purpose of preventing or detecting unlawful Fishings or Obstructions in the River, and to moor, anchor, or otherwise fix their Boats at such Places as they shall find convenient; provided that by such mooring, anchoring, or fixing their Boats they do not obstruct or impede any legal Mode of Fishing.

Water Bailiffs may apprehend Offenders.

XXXVIII. It shall be lawful for every Superintendent or Water Bailiff or other Person whatsoever, without any Warrant or Authority other than this Act, *brevi manu* to seize and detain any Person who shall be found committing any Offence against the Provisions of this Act, and to convey such Offender or cause him to be conveyed by any Constable or other

Peace Officer, in case the Offence is committed in *England*, before any Justice having Jurisdiction in the Place where the Offence is committed or where the Offender resides or is found, who shall forthwith proceed against such Offender according to Law and according to the Provisions in this Act contained, and in case the Offence is committed in *Scotland* such Offender shall be conveyed by the Person apprehending him before the Sheriff or some Justice having Jurisdiction in the Place where the Offence is committed or where the Offender resides or is found, and such Sheriff or Justice shall forthwith examine and thereupon discharge or commit such Offender until Caution de Judicio sisti be found, as the Case may require.

Penalty for resisting Officers.

XXXIX. Every Person who shall resist or make forcible Opposition to or assault any High or Petty Constable, Peace Officer, Sheriff Officer, Superintendent, or Water Bailiff, or any other Person employed in the Execution of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Magistrates may act though interested in Fisheries.

XL. All Sheriffs, Justices of the Peace, and other Magistrates shall and may act in the Execution of this Act notwithstanding any such Sheriff, Justice, or Magistrate shall be interested in any Fishery, except in any Case where he or the Lessee or Occupier of any Fishery in which he is interested is a Party to the Prosecution or Cause to be heard and determined by him.

Limits of the Mouth or Entrance of the Tweed.

XLI. For the Purposes of this Act, the Limits of the Mouth or Entrance of the River *Tweed* shall be deemed to extend and shall extend from the Pier called *Queen Elizabeth's* Pier along the Sea Coast on the South Side of the said Pier Five Miles, and along the Sea Coast on the North Side of the said Pier Four Miles, and shall also extend Five Miles in front of the Mouth of the said River and of the several Lines of Boundary hereinbefore mentioned into the Sea, such Distance towards the Sea to be computed by Lines drawn the one from the Northern and the other from the Southern of the aforesaid Boundaries at Right Angles to a line drawn between the said Northern and Southern Extremities; and the whole Enactments and Provisions of this Act shall extend and be applicable to the Mouth or Entrance of the said River within the Limits above defined.

Annual Close Times.

XLII. It shall not be lawful for any Person to fish for or take or aid or assist in fishing for or taking any Salmon in or from the River at any Time between the First Day of *October* in any Year and the first Day of *March* in the Year following, except by means of the Rod and Line, nor with the Rod and Line at any Time between the Fourteenth Day of *October* in any Year and the First Day of *March* in the Year following, and which respective Periods above defined are in this Act termed the "Annual Close Times."

XLIII. It

Weekly Close Time.

XLIII. It shall not be lawful for any Person between the First Day of *March* and the Fourteenth Day of *October* in any Year to fish for or take or aid or assist in fishing for or taking any Salmon in or from the River at any Time or in any Way whatsoever between Six of the Clock on *Saturday* Afternoon and Six of the Clock on the following *Monday* Morning, and which Period last above defined is in this Act termed the "Weekly Close Time."

Penalty for Fishing in Annual or Weekly Close Times.

XLIV. Every Person who shall during the Annual Close Times or Weekly Close Time fish for or take or aid or assist in fishing for or taking any Salmon in or from the River (excepting as aforesaid) shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and an additional Penalty of Ten Shillings for each Salmon so taken, and shall also forfeit every Salmon so taken, and every Boat, Net, Tackle, or Engine by which such Salmon has been taken or attempted to be taken.

Nets not to be used in Annual Close Times.

XLV. Every Person who during the Annual Close Times fishes in the River with any Pout Net or Net of any other Kind or Description whatsoever shall for every such Offence be liable in a Penalty not exceeding Five Pounds, and every such Net shall be forfeited.

Penalty for having or selling Fish caught in Annual Close Times.

XLVI. Every Person who during the Annual Close Times has in his Possession Salmon known by such Person to have been taken or caught in the River during the Annual Close Times (except such Salmon as are taken by means of the Rod and Line between the First and the Fourteenth Days of *October*), or who sells or offers or exposes for Sale or Exchange any Salmon known by such Person to have been caught in the River during the Annual Close Times, shall for every such Offence be liable to a Penalty not exceeding Two Pounds for every Salmon so had in his Possession, or sold or offered or exposed for Sale or Exchange as aforesaid, and shall also forfeit every such Salmon, and every Boat, Cart, Basket, or Package in which the same may be found, and the Proof that such Salmon was not taken contrary to the Provisions of this Act shall lie upon the Person in whose Custody the same is found.

Removal of Boats and Nets used in Fishing.

XLVII. On or before the Fourth Day of *October* in every Year every Occupier of a Fishery in the River shall and he is hereby required to remove from every Fishery, Fishing Shield, and Fishing Ground and Houses and Premises occupied or used by him all Boats, Oars, Nets, Engines, and other Tackle used and employed in taking and killing Salmon (excepting Boats with their Oars and such other Implements as are used for Angling or Rod Fishing), and to carry away the same to some

Place or Places to be from Time to Time appointed by the Commissioners, where the same can be securely lodged and kept until the Twenty-seventh Day of *February* in the following Year; and each Boat, with its Oars and other Implements as aforesaid, so retained for the Purpose of Angling or Rod Fishing shall be removed and carried away on or before the Seventeenth Day of *October* in every Year, and shall be lodged and kept and remain as aforesaid until the Twenty-seventh Day of *February* in the following Year; and every such Occupier who neglects or refuses to remove and carry away all and every such Boats, Oars, Nets, Engines, and other Tackle as aforesaid, and to keep the same secured from the said Fisheries and Premises during the Period aforesaid, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, and all such Boats, Oars, Nets, Engines, and other Tackle not removed or kept secured as aforesaid shall be forfeited: Provided always, that this Enactment shall not be held or construed to extend to Public Ferry Boats, or to Boats used by any Owner or Occupier of Land adjoining the River solely for the Transport of himself or his Family or Servants or any Persons in his Employment: Provided also, that all such last-mentioned Boats shall be under and subject to the Regulations herein-after prescribed with respect thereto.

Boats and Nets, not removed, may be seized without Warrant.

XLVIII. It shall be lawful for any Superintendent or Water Bailiff or other Person employed in the Execution of this Act, without any other Authority than this Act, to seize all such Boats, Oars, Nets, Engines, and other Tackle which shall not have been so removed or kept secured as aforesaid (but excepting as aforesaid), and to convey and carry the same to some of the Places of Security to be appointed as aforesaid; and also at any Time during the Annual Close Times to enter into or upon any Fishery or Fishing Grounds, and without any Warrant to search all and every the Fishing Shields and other Premises belonging thereto for any Boats, Oars, Nets, Engines, and other Tackle that may be deposited or concealed therein; and if any such Shield is found to be locked up, and if upon being required the Occupier of such Shield shall refuse to open the Door thereof, it shall be lawful for any Superintendent or Water Bailiff or other Person employed as aforesaid to break open the Door of such Shield, and to search for such Boats, Oars, Nets, Engines, or other Tackle, and if any are found to seize and carry away the same to some of the Places of Security to be appointed as aforesaid.

Nets left in the River during Close Times may be seized.

XLIX. If any Net or other Engine or Tackle whatsoever adapted for taking or killing Salmon or obstructing their passage in the River shall be left or placed in the River at any

Time during the Annual Close Times or Weekly Close Time, it shall be lawful for any Superintendent or Water Bailiff, or other Person acting or employed under the Authority of this Act, to seize and carry away the same, and it shall be lawful for the Commissioners to cause the same to be cut to Pieces or otherwise destroyed, or, in their Discretion, to be restored to the Owner.

Persons notentitled ed to fish not to have Possession of Nets.

L. It shall not be lawful for any Person other than an Owner or Occupier of a Fishery in the River, or otherwise entitled to fish for Salmon therein, or having an exclusive Right of Fishing for Salmon in any Fishery beyond the River, or having a Licence under the Hand of the Clerk, to have in his Possession within Five Miles from the River any Net or Engine of the Description of those used for taking or killing Salmon, except for the Purpose of manufacturing or selling or repairing the same for the Owner or Occupier of a Fishery; and every Person who is convicted of offending against this Enactment shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds; and every such Net or Engine found in the Possession of such Person shall be forfeited, and the Sheriff or Justice before whom such Person is convicted shall order and direct every such Net or Engine to be cut to Pieces or otherwise destroyed.

Magistrates empowered to issue Search Warrants on Information of Nets, Fish, &c. being illegally in possession.

LI. Upon Information on Oath to any Sheriff or Justice that the Informant has probable Cause to suspect and does suspect, and stating the Grounds of such Suspicion, that any Person residing or being at the Time within the Jurisdiction of such Sheriff or Justice has, contrary to the Provisions of this Act, in his Custody or Possession, or that there is lodged, placed, or concealed in any Dwelling House, Fishing Shield, Outhouse, or Premises, or in any Boat, Vessel, Carriage, Cart, or Vehicle within the Jurisdiction of such Sheriff or Justice, or which will shortly pass through or be within the same, any Net, Leister, Spear, or similar Engine adapted for taking or killing Salmon, or any Salmon which have been illegally taken or killed in or from the River, it shall be lawful for such Sheriff or Justice to authorize and direct, by Warrant under his Hand, any Superintendent or Water Bailiff appointed and acting under the Authority of this Act, or any High or Petty Constable or other Peace Officer, to search in the Daytime every Dwelling House, and at any Time every Fishing Shield, Outhouse, or Premises, or Place, Boat, Vessel, Carriage, Cart, or other Vehicle wherein he has Information that any such Nets, Leisters, Spears, or Engines, or any Salmon, are lodged, placed, or concealed; and if upon such Search any such Nets, Leisters, Spears, or Engines adapted for the taking or killing of Salmon, or any

Salmon illegally taken or killed as aforesaid, shall be there found, it shall be lawful for such Superintendent or Water Bailiff, Constable, or Peace Officer to seize and carry away or secure the same, and also the Boat, Vessel, Carriage, Cart, Vehicle, Basket, Box, or Package in which the same may be found: Provided, that every such Warrant shall be put in force within Twenty-four Hours after the same is granted, and only within the Jurisdiction of the Sheriff or Justice granting such Warrant.

Ferry Boats and Boats of Proprietors and Occupiers of Land not to be used in Fishing.

LII. The Lessee, Tenant, or Occupier of every established and accustomed Ferry for the Conveyance of Passengers, Horses, and Carriages across the River shall have the Name or Names of the Owner and of the Ferry and the Number of each Boat painted upon some conspicuous Part of each and every Boat so used by him, in Letters of Two Inches in Length in White on a Black Ground or in Black on a White Ground, and shall keep such Boat locked up when not actually in use; and every such Lessee, Tenant, or Occupier who has in his Possession or uses for the Purposes of such Ferry any Boat not so marked and painted, or who does not keep such Boat locked up as aforesaid, shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and every such Lessee, Tenant, or Occupier who uses or permits or allows any Boat belonging to him or to such Ferry to be used for the Purpose of Fishing in the River shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and every Boat so used may be seized and forfeited.

Regulation of private Boats.

LIII. Every Owner and Occupier of a Fishery within or of Land adjoining the River who uses any Boat in or upon the River for the Purpose of Fishing, or for any other Purpose, shall have his Name and Surname painted upon every such Boat, with the Number thereof, in like Manner as is hereinbefore directed with respect to Ferry Boats; and no Boat which in the Fishing Season is generally and ordinarily used for fishing with Nets shall be used for Angling or Rod Fishing; and every such Owner and Occupier who uses a Boat contrary to the Provisions of this Section, or without his Name and the Number painted thereon as before provided, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and every Boat so used may be seized and forfeited.

Commissioners to appoint distinguishing Marks for Boats.

LIV. It shall be lawful for the Commissioners at any Annual General Meeting, from Time to Time, to direct and appoint all Boats generally and ordinarily used for fishing with Nets to be painted or otherwise marked by some Colour or Mark, so that the same may be known and may be easily distinguished from Ferry Boats or Boats used indiscriminately for both Net Fishing and Rod Fishing, which Direction or Appointment shall be notified to the Owner and Occupier of every Fishery using any such Boat or to his or their known Agent, and which distinguishing Colour or Mark every Owner and Occupier of every Boat generally and ordinarily used for fishing with Nets shall be bound, after such Notification, to put upon such Boat previous to the Commencement of the next Fishing Season, and also upon all such Boats as they shall afterwards use, and to keep the same thereon until such Time as some new Direction or Appointment in that Behalf shall have been made by the Commissioners; and every such Owner or Occupier who uses any such Boat without such distinguishing Colour or Mark, or with any other Colour or Mark than those specially appointed for such Boat, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and every Boat so used may be seized and forfeited.

Fixed Nets and Engines prohibited and may be removed.

LV. It shall not be lawful for any Person to set or place or retain in the River any fixed Net or fixed Engine, or to take or kill any Salmon by means of any such fixed Net or fixed Engine; and every Person who sets, places, or retains in the River any such fixed Net or fixed Engine, or by means thereof takes or kills any Salmon, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, and to a daily Penalty not exceeding Ten Pounds for every Day during which such fixed Net or fixed Engine is so set, placed, or retained, and an additional Penalty of Ten Shillings for each Salmon taken by any such Means, and every fixed Net or fixed Engine so used and the Fish so taken shall be forfeited; and it shall be lawful for the Commissioners, or any Two of them, or any Person appointed or authorized by the Commissioners, or any Two of them, to remove and take away all and every such fixed Net or fixed Engine, and to dispose of the same as they shall think fit.

Regulation of Mill Dams and Caulds.

LVI. All Mill Dams, Dykes, Wears, Caulds, and other permanent Obstructions to the Run of Salmon in the River shall be so constructed, and if necessary shall be so altered, as to permit and allow of the free Run of Salmon over the same in the main Stream of the River in the ordinary and mean State thereof; and if the Owners or Occupiers of such Mill Dams, Dykes, Wears, Caulds, and other Obstructions, or of any Mills or Works for which they are or may be erected or used, shall refuse or neglect so to construct or alter the same within Twenty-one Days after being thereunto required in Writing by any Two of the Commissioners or the Clerk, it shall be lawful for the Sheriff in *Scotland* or any Justice in *England* within whose Jurisdiction such Mill Dams, Dykes, Wears, Caulds, and other Obstructions, are wholly or partly situated, upon the Application or Information of any Commissioner, or the Clerk or any Officer or Person appointed by the Commissioners, to order and direct such Construction or Alteration to be made in a substantial Manner under the Inspection and Direction of a proper Person to be named by such Sheriff or Justice, and at the Expense of the Commissioners in the Case of any such Mill Dam, Dyke, Wear, Cauld, or other permanent Obstruction existing at the passing of this Act, and at the Expense of the Owners or Occupiers of any such Mill Dam, Dyke, Wear, Cauld, or other permanent Obstruction that may be erected after the passing of this Act, or that shall be altered, reconstructed, or renewed in a Manner to destroy the free Run of Salmon over the same: Provided, that the Height of no such Mill Dam, Dyke, Wear, Cauld, or other Obstruction existing at the passing of this Act shall be lowered in any Part thereof by any Works or Alterations made under the Provisions of this Act for obtaining a free Run for Salmon as herein provided; and that any Mill Dam, Dyke, Wear, Cauld, or other permanent Obstruction altered or substituted for and in the Place of any existing Mill Dam, Dyke, Wear, Cauld, or other permanent Obstruction, but which shall offer the same Facilities for the free Run of Salmon over the same as before such Alteration or Substitution, shall be considered and dealt with as a Cauld existing at the passing of this Act; and in every Case all Alterations shall be made in such Manner as may sufficiently effect the Object intended with the least possible Injury to the Property and Works of such Owner and Occupier.

Removal of Obstructions in the River.

LVII. All Rocks, Shoals, Deposits of Stones, Gravel, Sand, Mud, or other Matter or Thing, and all natural Obstructions in the River, which prevent, obstruct, or interrupt the free Passage of Salmon therein, shall be removed or altered so as to permit and allow of the free Run of Salmon at all Times over, across, or through the same; and if the Owner of the Soil, Land, or Fishery in or upon which the Obstruction or Cause of Interruption exists or is situate shall refuse or neglect to alter or remove the same so as to allow the free Run of Salmon at all Times over, across, or through the same, within Fourteen Days after being thereunto required in Writing by any Two Commissioners or the Clerk, it shall be lawful for the Commissioners or for the Sheriff or any Justice within whose Jurisdiction the Obstruction or Cause of Interruption is wholly or partly situated, upon the Application or Information of any Commissioner or the Clerk, to order and direct that such Obstruction or Cause of Interruption shall be removed or altered by or under the Inspection and Direction of a proper Person to be appointed by the Commissioners or such Sheriff or Justice, and at the Expense of the Commissioners, in such a Manner as may sufficiently effect the Object intended with the least possible Injury to the Property of such Owner: Provided, that this Enactment shall not in any way extend to authorize the Alteration or Removal of any Mill Dam, Dyke, Wear, Cauld, or other permanent Obstruction now used for manufacturing Purposes, and as to which Provision is made in the immediately preceding Section.

Cairns to be removed.

LVIII. The Owner of every Cairn in the River, or connected with either Bank or Shore thereof, or on or connected with any Shoal or Island therein, and which in the Opinion of the Commissioners may be principally or ordinarily used or is mainly adapted for fishing with Nets, shall within Three Months after the passing of this Act remove or destroy the same; and in the event of such Owner refusing or neglecting to remove or destroy such Cairn within the Period above mentioned, the Commissioners may at any Time thereafter appoint a fit and proper Person to remove and destroy the same at the Expense of the Commissioners.

Hecks to be placed in Mill Leads.

LIX. Every Owner or Occupier of a Mill or Manufactory of any Description on the River shall set up and maintain in the Mill Lead in front of the Waterwheel of such Mill or Manufactory a Heck of the full Breadth and Depth of the Mill Lead thereat, and with vertical Bars having a clear Space of not more than Three and One Quarter Inches between each Bar, and that under a Penalty not exceeding Five Pounds in case of Failure; and every Person who shall wilfully injure or destroy any such Heck, or shall raise or remove the same, except for the Purpose of cleaning or repairing the same, or cleaning the Mill Lead, or any other necessary Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

To prevent beating the Water.

LX. Every Person who beats the Water, or places, uses, or sets any White Object or any Net or other Thing whatsoever in, over, or across the River, so as to prevent or for the Purpose of preventing Salmon from entering or from going up or down the River or any Part thereof, or who in any other Way or Manner prevents or obstructs Salmon from entering or going up and down the River, shall for the First Offence be liable to a Penalty not exceeding Ten Pounds, and for every subsequent Offence to a Penalty not exceeding Twenty Pounds, and the Net or Object or Thing so placed, used, or set may be seized and forfeited.

As to Waterwheels and Machinery.

LXI. Nothing in this Act contained prohibiting the placing of fixed Engines or other Things whatsoever in the River shall apply to Waterwheels or other Machinery used only for manufacturing Purposes, and placed in or upon Mill Leads.

As to the Working of Wear Shot Nets.

LXII. Every Person who shall shoot or work any Wear Shot Net in the River within the Distance of Thirty Yards of any other Wear Shot Net already shot or being worked in the River before such last-mentioned Net is fully drawn and landed shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

To prevent Fishing with Leisters and Spears.

LXIII. Every Person who at any Time takes or kills or attempts to take or kill Salmon in or from the River by means of any Leister or Spear or any such Engine shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and an additional Penalty of Ten Shillings for each Salmon so taken; and every such Leister, Spear, and other Engine so used or attempted to be used, and every Salmon so taken, may be seized and forfeited.

Penalty for having Leisters in possession.

LXIV. Every Person who has in his Possession within Five Miles from the River any Leister, Spear, or similar Engine of the Description of those used for killing Salmon shall for every such Offence be liable to a Penalty not exceeding Two Pounds, and every such Leister, Spear, or similar Engine may be seized and forfeited.

Noxious Matters not to be placed in the River.

LXV. Every Person who at any Time lays or places in the River, or allows to fall or run or flow into the River, any hot Lime, or Refuse of Gasworks, or Products thereof, or Prussiate of Potash, or any Water in which Green flax has been steeped, or any Matter or Thing which shall poison or kill any Salmon or Smolt, shall for every such First Offence be liable to a Penalty not exceeding Five Pounds, and for every subsequent Offence shall be liable to a Penalty not exceeding Ten Pounds, and to a daily Penalty of Two Pounds for every Day during which such Offence is continued.

Rubbish not to be placed in the River at or below High-water Mark.

LXVI. Every Person who at any Time lays or places in or allows to fall into the River at or below High-water Mark any Coal, Cinders, Coal Ashes, Dirt, or Rubbish shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Persons fishing who are not entitled.

LXVII. Every Person not being an Owner or Occupier of a Fishery in the River, or otherwise entitled to fish for Salmon therein, who at any Time between the First Day of *March* and the Fourteenth Day of *October* in any Year fishes for or takes or aids or assists in fishing for or taking Salmon in or from the River, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and an additional Penalty of Ten Shillings for every Salmon so taken or killed; and every Salmon so taken, and every Boat, Net, Rod, Engine, or Tackle used in such Fishing, or by means of which any Salmon has been taken or attempted to be taken, may be seized and forfeited.

Penalty on Persons illegally intending to fish.

LXVIII. Every Person who enters or is found upon any Ground adjacent or near to the River or in or upon the River with Intent illegally to take or kill Salmon shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Intent to be inferred.

LXIX. If any Person who is found in or upon the River, or upon Ground adjacent or near to the River, has in his Possession, or if he be in Company with any Person having at the Time in his Possession, any Net or Implement wherewith Salmon are usually taken or killed during the Periods when it is unlawful to take Salmon by such Net or Implement or for such Person to have the same in his Possession (excepting in the Case of Occupiers within Half an Hour immediately after the Commencement or Half an Hour immediately before the Termination of the Weekly Close Time), or during the Periods when such Fish may be taken, unless such Person be the Occupier of a Fishery in the River or duly authorized by any such Occupier to fish in the River, the Possession of such Net or Implement shall be deemed and taken to be sufficient Evidence of the Intent of such Person to commit the Offence specified in the immediately preceding Section; and notwithstanding of any such Net or Implement not being in the Possession of any Person who is found as aforesaid in or upon the River, or upon Ground adjacent or near to the River, it shall be lawful for the Sheriff or Justice before whom the Complaint against such Person shall be heard to infer, adjudge, and determine the Intent of such Person to commit the Offence specified in the immediately preceding Section, according to the Evidence which may be adduced on the Hearing of such Complaint, and to convict or discharge him accordingly.

Penalty on Persons taking foul or unseasonable Fish.

LXX. Every Person who during the Periods in each Year when it is lawful to fish for Salmon knowingly takes or kills or aids or assists in taking or killing in or from the River any foul, unclean, or unseasonable Salmon, or knowingly has in his Possession any such Salmon, or exposes for Sale or exchanges for any Matter or Thing any such Salmon, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and every Salmon so taken, and the Net or other Engine by which the same has been taken, and the Hampers, Baskets, and Packages in which the same are found, may be seized and forfeited; and the Proof that such Salmon were not taken in or from the River contrary to this Enactment shall lie upon the Person in whose Custody the same shall be found.

Penalty on Persons

LXXI. Every Person who shall between the First Day of

March and the First Day of *June* in fishing with a Rod and Line use any Cleek or Instrument for landing Fish other than a Landing Net shall be liable to a Penalty not exceeding Five Pounds.

using other than Landing Net.

LXXII. If any Person while fishing in the River for Salmon takes or captures any foul, unclean, or unseasonable Salmon, he shall immediately put back such Salmon into the River with as little injury to such Salmon as possible; and every Person convicted of offending against this Enactment shall for every such Offence be liable to a Penalty not exceeding Ten Shillings for each Salmon so taken and not put back as aforesaid.

Foul or unseasonable Fish to be put back into River.

LXXIII. If any Person while in the Act of fishing for River or Fresh-water Trout, during the Period when Salmon may be lawfully taken and killed, takes any Salmon in or from the River, he shall forthwith deliver up such Salmon to the Owner or Occupier of the Fishery where the same was taken, and every Person who fails or refuses to deliver up any Salmon so taken shall be liable to a Penalty not exceeding Two Pounds for every such Salmon.

Fish taken in Nets or otherwise in open Season to be restored to the Owner or Occupier of Fishings.

LXXIV. Every Person who wilfully takes or kills or aids or assists in taking or killing in or from the River by any Means or by any Device (except by the Rod and Line), or wilfully sells, purchases, or has in his Possession, any Smolt, Fry, or young Brood or Spawn of Salmon, or in any Way or by any Device wilfully obstructs the Passage of such Smolts, Fry, or young Brood, or injures or disturbs any such Smolts or Fry, or any Spawn or Spawning Bed, Bank, or Shallow where the same may be, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and to an additional Penalty of Two Shillings for each of the Smolts, Fry, or young Brood of Salmon so taken, killed, or destroyed, or found in his Possession, and all Nets, Tackle, and Engines whereby the same have been taken or killed, and the Hampers, Baskets, or Packages wherein the same may be found, may be seized and forfeited.

To prevent Destruction of Spawn or Fry.

LXXV. Every Person who wilfully kills any Smolt, Fry, or young Brood of Salmon by the Rod and Line between the First Day of *April* and the First Day of *June* in each Year, or has in his Possession any Smolt, Fry, or young Brood of Salmon taken by means of the Rod and Line during the said Period, shall for every such First Offence be liable to a Penalty of Sixpence, and shall for every Second or subsequent Offence be liable to a Penalty not exceeding Two Pounds and an additional Penalty of Two Shillings for each of the Smolts, Fry, or young Brood of Salmon so killed or found in his Possession;

Penalty for killing Smolts by Rod and Line.

Possession; and the Rod and Line whereby the same have been killed, and the Baskets or Packages in which the same may be found, may in the Case of every such Second and subsequent Offence be seized and forfeited.

8 & 9 Vict. c. 26. to apply to Part of River in England.

LXXVI. And whereas it is expedient that the Act passed in the Eighth and Ninth Year of the Reign of Her present Majesty, intituled *An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in* Scotland, should apply to the whole of the River *Tweed*: Be it enacted, That the said Act shall apply and is hereby extended to the whole of the River, whether situated in *England* or in *Scotland;* and all Offences against the Provisions of the said Act committed in or upon that Part of the River which is situated in *England* shall be heard, adjudged, and determined by or before any Justice of the Peace or Magistrate for the County, Division, Borough, or Place where such Offence is commited, or where the Offender resides or is found; and the Penalties imposed by or under the said Act may be recovered and applied in the same Manner as is herein provided with respect to Penalties to be imposed or recovered under the Provisions of this Act.

Management of joint Fisheries.

LXXVII. In the Case of any Fishery usually fished by Nets which belongs to or is held by Two or more Owners jointly, any one of such Owners may, by Writing under his Hand, require the other Owners jointly interested therein to agree with him for the joint Fishing of such Fishery, and to fix the Number of Men, Boats, Nets, and Appurtenances necessary for such Fishing; and on such Owner furnishing his proportionate Number of Men, Boats, Nets, and Appurtenances so fixed and agreed upon, and contributing and paying his proportionate Share of the Burdens and Working Expenses of such Fishery, such Owner shall be entitled for his own Use and Behoof to a Share of the whole Produce of such Fishery in proportion to his Interest therein; and every joint Owner of such Fishery may lease his Interest therein to such Person and on such Terms and Conditions as he may think fit, and every such Lessee shall during his Lease have all the Rights hereby conferred on such joint Owner.

Arbitration in case of Difference.

LXXVIII. If for Fourteen Days after being thereto required in Writing as aforesaid the joint Owners of such Fishery, or any One of them, shall refuse or delay to fix and agree upon the Number of Men, Boats, Nets, and Appurtenances necessary for such Fishery, any One or more of such joint Owners may, by Writing under his Hand, require that all such Matters be referred to Arbitration, and may name an Arbitrator to act on his Behalf, and require each of the other joint Owners to name an Arbitrator to act on his Behalf; and in the event of such joint Owners or any of them refusing or delaying for Fourteen Days after being so required to name such Arbitrator or Arbitrators, any One or more of such joint Owners may apply to the Sheriff or any Justice to appoint a fit and proper Person to act as sole Arbitrator in such Matters, and to decide therein, and to fix the Number of Men, Boats, Nets, and Appurtenances necessary for such Fishery, and the Shares of the several joint Owners in the Produce thereof; and on such Application the Sheriff or Justice shall and he is hereby authorized to appoint such Arbitrator; and the Arbitrators appointed by such joint Owners as aforesaid may choose an Umpire to act in case of their differing in Opinion, and the Decision or Decree Arbitral to be pronounced by such Arbitrators or Umpire, or by any Arbitrator appointed by the Sheriff or Justice, shall be final and not subject to Review in any Court or by any Process whatsoever.

Rates to be levied.

LXXIX. For defraying the Expenses to be incurred in carrying this Act into effect it shall be lawful for the Commissioners at any General, Special, or Adjourned Meeting and they are hereby required to make, impose, and levy an annual Rate or Assessment of Twenty Pounds *per Centum per Annum* until the Debts and Obligations contracted by the Commissioners and Overseers acting under the recited Acts, and due and subsisting at the passing of this Act, and the Costs of obtaining and passing this Act and incidental thereto, are paid, and annually thereafter of such Amount as the Commissioners shall fix and determine, not exceeding Twenty Pounds *per Centum per Annum*, to be paid by the whole Owners of Salmon Fisheries in the River in proportion to the Rents or yearly Value of their several Fisheries as such Rents or yearly Value shall be ascertained and fixed by the Commissioners, or by the Sheriff or Justices on the Application of any Owner who may think himself aggrieved by any such Assessment, provided Notice of such Application be given to the Clerk within Ten Days after Notice of such Assessment is given to such Owner, and which Rate shall be payable either yearly or half-yearly, as the Commissioners may from Time to Time direct and appoint, by the several Tenants or Occupiers of the said several Fisheries, for and on behalf of the respective Owners of the same, and for which Payments such Tenants or Occupiers shall be entitled to Relief from the respective Owners on settling or paying their Rents; and if any such Rate shall not be paid to the Collector appointed under this Act by any Tenant or Occupier when required, the same shall on Demand be payable by the Owner of the Fishery possessed by such Tenant or Occupier.

Recovery of Rates.

LXXX. The Rate made at any such Meeting shall be binding upon and may be enforced against every such Owner, Tenant, and Occupier of a Fishery; and for the Recovery of any Rates which may remain unpaid it shall be lawful for any Sheriff or Justice within whose Jurisdiction the Goods and Effects of any Owner, Tenant, or Occupier of a Fishery liable for such Rates may be found to grant Warrant for poinding or distraining such Goods and Effects, and to appraise them on the Place where found, and afterwards to sell the same by Auction for Payment of such Rates, together with the full Costs of such Poinding, Distress, and Sale, and the Surplus (if any) shall be paid, when demanded, to the Person whose Effects shall have been so distrained and sold; which Warrants shall be granted by such Sheriff or Justice upon an Application made to him by the Clerk or Treasurer or other Person authorized by the Commissioners, with an Attestation on Oath signed by the Collector appointed under this Act certifying that the Person complained of is liable for and has not paid such Rates, and specifying therein the Amount due by him; and the Proceedings for the Recovery of such Rates may be in the Form of the Schedule (A.) hereunto annexed, or as near thereto as may be; or the Commissioners or Clerk may bring and prosecute an Action or Actions at Law for Recovery of such Rates or Arrears thereof.

Application of Rates.

LXXXI. The Rates levied under the Authority of this Act shall be applied, first, in paying and discharging the Debts and Obligations contracted by the Commissioners and Overseers acting under the recited Acts, and due and subsisting at the Time of the passing of this Act; secondly, in paying the Costs of obtaining and passing this Act, and incidental thereto; and, lastly, in paying and defraying Salaries and Allowances to the Clerk, Treasurer, Collectors, Superintendent, Water Bailiffs, and other Officers, and other Expenses incurred in carrying this Act into execution.

Penalties to be summarily recovered.

LXXXII. Every Penalty imposed by this Act may be recovered by Action of Debt in any County Court, or by summary Proceeding before the Sheriff or a Justice or Justices having Jurisdiction in the Place where the Offence is committed or where the Offender resides or is found; and on Complaint being made at the Instance of the Procurator Fiscal or other public Prosecutor of the County, District, or Place where the Offence may have been committed, or where the Offender or Offenders shall reside or may be found, or at the Instance of any One or more of the Commissioners, or of their Clerk, to any such Sheriff or Justice or Justices, he or they shall issue a Summons or Warrant requiring the Person complained against to appear before the Sheriff or any Justice or Justices at a Time not less than Six free Days after Service, and at a Place to be named in such Summons or Warrant; and every such Summons or Warrant, with a Copy of the Complaint, shall be served on the Person complained against, either personally or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Person complained against, or in his Absence after Proof of the due Service of such Summons or Warrant, it shall be lawful for the Sheriff or Justice or Justices to proceed to the Hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Person complained against, or upon the Oath of One credible Witness or more, or in default of Appearance of such Person, it shall be lawful for such Sheriff or Justice or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty incurred, as well as such Costs attending the Conviction as such Sheriff or Justice or Justices shall think fit; and it shall be competent on the Hearing of every such Complaint to prove that the Person then complained against has been previously convicted of an Offence against the Provisions of this Act, and for such Sheriff or Justice or Justices to take such previous Conviction into consideration in pronouncing Sentence.

Penalties to be levied by Poinding or Distress and Sale.

LXXXIII. If forthwith upon any such Adjudication or Conviction as aforesaid the Amount of the Penalty and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs shall be levied by Poinding or Distress and Sale, and such Sheriff or Justice or Justices shall issue their or his Warrant of Poinding or Distress and Sale accordingly.

Imprisonment in default of Poinding or Distress.

LXXXIV. It shall be lawful for any such Sheriff or Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Poinding or Distress and Sale to be issued for levying such Penalty and Costs, unless the Offender give sufficient Security by way of Recognizance, Bond of Caution, or otherwise to the Satisfaction of the Sheriff or Justice for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Poinding or Distress and Sale it shall appear to the Sheriff or Justice, by the Admission of the Offender or otherwise, that no sufficient Poinding or Distress can be had within the Jurisdiction of such Sheriff or Justice whereon to levy such Penalty and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Poinding or Distress and Sale; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to such Sheriff or Justice, then such Sheriff or Justice shall by Warrant cause such Offender to be committed to Prison, there to remain without Bail for any Period not exceeding Two Months in the Case of a First Offence, for any Period not exceeding Three Months in the Case of a Second Offence, and for any Period not exceeding Four Months in the Case of a Third or subsequent Offence, unless such Penalty and Costs be sooner paid and satisfied.

Poinding or Distress how to be levied.

LXXXV. Such Penalty and Costs shall be levied by Poinding or Distress and Sale of the Goods, Chattels, and Effects of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods, Chattels, and Effects, after satisfying such Penalty and Costs and the Expenses of the Poinding or Distress and Sale, shall be returned on Demand to the Party whose Goods, Chattels, or Effects shall have been poinded or distrained.

Poinding or Distress not unlawful for Want of Form.

LXXXVI. No Poinding or Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Poinding or Distress and Sale, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover by Action full Satisfaction for the special Damage.

Application of Penalties.

LXXXVII. Every such Penalty, when recovered, shall be paid to the Commissioners, or to their Clerk or Treasurer, or other Person authorized by them to receive the same, to be applied for the Purposes of this Act in the same Manner as the Rates hereby authorized to be levied.

Penalties to be sued for within Six Months.

LXXXVIII. No Person shall be liable to the Payment of any Penalty imposed by virtue of this Act for any Offence made cognizable before a Sheriff or Justice, unless the Complaint respecting such Offence shall have been made before such Sheriff or Justice within Six Months next after the Commission of such Offence.

Damage to be made good in addition to Penalty.

LXXXIX. If through any Act, Neglect, or Default, on account whereof any Person shall have incurred any Penalty imposed by this Act, any Damage to the Property of the Commissioners shall have been committed by such Person, he shall be liable to make good such Damage as well as to pay such Penalty; and the Amount of such Damage shall in case of Dispute be determined by the Sheriff or Justices by whom the Party incurring such Penalty shall have been convicted, and on Nonpayment of such Damage on Demand the same shall be levied by Poinding or Distress, and such Sheriff or Justices, or one or other of such Justices, shall issue their or his Warrant accordingly.

As to enforcing of Summonses and Warrants.

XC. Every Summons, Warrant, Conviction, and Sentence to be issued or pronounced by any Sheriff or Justice or Justices under the Authority of this Act may be enforced against the Person or the Goods and Effects of any Party or Witness in any other County, Burgh, or Place where such Party or Witness may be found, as well as in the County, Burgh, or Place where the same is issued or pronounced, provided such Summons, Warrant, Conviction, or Sentence be endorsed by the Sheriff or Sheriff Clerk or a Justice of such other County, Burgh, or Place; and such Endorsation or Warrant of Concurrence may be in the Form in the Schedule (B.) hereunto annexed, and shall be sufficient Authority to the Constables or Sheriff Officers of both Jurisdictions respectively to put such Summons, Warrant, Conviction, or Sentence into execution within such other County, Burgh, or Place.

Witnesses may be summoned, and Penalty on their making default.

XCI. It shall be lawful for any Sheriff or Justice to summon any Person to appear before him, or in the Case of a Justice before any One or more Justices, as a Witness in any Matter in which such Sheriff or Justice or Justices shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Sheriff or Justice or Justices, every such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Disposal of forfeited Articles.

XCII. In all Cases where it is provided by this Act that any Article, Matter, or Thing may be seized and forfeited, it shall be lawful for any Water Bailiff, Constable, or other Person acting in the Execution of this Act to seize and take such Article, Matter, or Thing, and to keep the same in his Custody and Possession until the Person from whom the same is taken is brought before the Sheriff or Justice; and where any such Article, Matter, or Thing shall be adjudged by the Sheriff or Justice to be forfeited under the Provisions of this Act, it shall be lawful for such Sheriff or Justice to direct such Article, Matter, or Thing to be destroyed or to be sold and disposed of as he or they may think fit, and the Proceeds of any such Sale shall be paid to the Commissioners or their Clerk or Treasurer or other Person authorized by them to receive the same, and shall be applied for the Purposes of this Act in the same Manner as the Rates hereby authorized to be levied.

Form of Proceedings against Offenders.

XCIII. Any Information, Complaint, and Proceedings before the Sheriff or Justice or Justices before whom any Person shall be complained of or proceeded against for any Offence under the Provisions of this Act, and the Warrants, Sentence, or Conviction thereon, may be in the Form of the Schedule (B.) hereunto annexed, or as near thereto as may be, and may be printed or written or partly printed and partly written, and no written Record of Evidence shall be necessary unless either Party before such Complaint shall be heard requires the Sheriff or Justice or Justices to take Notes of the Evidence to be adduced, which such Sheriff or Justice or Justices shall do or cause to be done, and the Notes so taken shall be deemed and held in any subsequent Proceedings as a sufficient Record of the Evidence under such Complaint.

Proceedings not to be quashed for Want of Form.

XCIV. No Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts in *England*, or be subject to Appeal or Review by any of the Supreme Courts in *Scotland*, except as herein-after provided.

Prosecutor not bound to negative Plea of Licence.

XCV. It shall not be necessary in any Proceeding against any Person under the Provisions of this Act to negative by Evidence any Licence, Consent, Authority, or other Matter of Exception or Defence, but the Person seeking to avail himself of such Licence, Consent, Authority, or other Matter of Exception or Defence shall be bound to prove the same.

As to Appeals in Scotland.

XCVI. It shall be lawful for the Complainer or for any Party charged to appeal against any Adjudication or Conviction pronounced by any Sheriff or Justice or Justices in *Scotland*, with respect to any Complaint or Penalty or Forfeiture under the Provisions of this Act, by which he thinks himself aggrieved; and in case such Adjudication or Conviction shall be pronounced by any Sheriff, the Appeal therefrom shall be made to the next Circuit Court of Justiciary in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second for taking away and abolishing Heritable Jurisdictions in *Scotland;* and in case such Adjudication or Conviction shall be pronounced by any Justice or Justices, the Appeal therefrom shall be made to the next General, Stated, or Adjourned Meeting of the Justices of the County, Burgh, or Place for which such Justice or Justices shall act, in Quarter Sessions assembled, but no such Appeal to the Quarter Sessions shall be entertained unless it be made within Four Months next after the pronouncing of such Adjudication or Conviction, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought: Provided, that with every such Appeal against the Adjudication or Conviction pronounced by any Sheriff or Justice or Justices a Bond of Caution for the Payment of any Penalty or Costs which may have been awarded against the Appellant by the Adjudication or Conviction appealed from, together with the Costs of the Appeal, shall be lodged with the Sheriff Clerk or Clerk of the Peace, and the Sufficiency of the Cautioner in such Bond shall be judged of and determined by the Sheriff Clerk or Clerk of the Peace, as the Case may be; and it shall not be competent to appeal from or bring any Adjudication or Conviction pronounced by any Sheriff or Justice or Justices acting under this Act under Review in any other Way than as herein provided; and the Decisions of the Circuit Court of Justiciary and of the Justices in Quarter Sessions assembled in any of the Matters aforesaid shall be final, and not subject to Review by Advocation, Suspension, Reduction, or any other Process whatsoever.

As to Appeals in England.

XCVII. If any Party shall feel aggrieved by any Adjudication or Conviction pronounced by any Justice or Justices in *England* with respect to Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Quarter Sessions to dispose of Appeal.

XCVIII. At the Quarter Sessions in *England* or *Scotland* for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or confirm or quash the Adjudication, and order any Money paid by any Party or levied by Poinding or Distress of his Goods to be returned to him, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Persons giving false Evidence liable to Penalties of Perjury.

XCIX. Every Person who upon any Examination on Oath under the Provisions of this Act shall wilfully and corruptly give false Evidence shall be liable to the Penalties of wilful and corrupt Perjury.

Act not to affect Powers of Lord High Admiral.

C. Nothing in this Act contained shall diminish, prejudice, take away, alter, suspend, or affect any Right, Power, Authority, Privilege, or Jurisdiction of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or of the Commissioners for executing the Office of Lord High Admiral.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

FORMS OF PROCEEDINGS FOR RECOVERY OF RATES.

1. *Petition.*

To the Honourable the Sheriff of the County of
[*or* Her Majesty's Justices of the Peace for the County or Burgh of , *or other Place*].

The Petition of *A.B.*, Clerk [*or* Treasurer] to the Commissioners appointed under "The Tweed Fisheries Act, 1857;"

Humbly showeth,

THAT *C.D.* is Owner [*or* Tenant or Occupier] of a Salmon Fishery in the River Tweed at in the County of , and is liable for the Sum of , being the Amount of Rates leviable under the said Act, as specified in the annexed Certificate of the Collector appointed by the said Commissioners, and which Sum of is still due and unpaid.

May it therefore please your Lordship [*or* Honours] to grant Warrant for Recovery of the said Sum of with Costs, by Poinding or Distress of the Goods and Effects of the said *C.D.*, and selling the same, in Terms of the Sixty-ninth Section of the said Act.

A.B.

2. *Certificate by Collector.*

I *E.F.*, Collector appointed by the Commissioners acting under "The Tweed Fisheries Act, 1857," make Oath and say, That *C.D.* is liable for the Sum of   of Rates leviable under the said Act for the Year [*or* Years] ending the   Day of   18 , and that he has not paid the said Sum.

E.F.

Sworn at
this   Day of
Eighteen hundred and
Before me,
G.H. [*Magistrate.*]

3. *Warrant.*

Having considered the foregoing Complaint, grants Warrant for Recovery of the said Sum of   with Costs, by Poinding or Distress of the Goods and Effects of the said *C.D.*, and Summary Sale thereof, on the Expiration of not less than Forty-eight Hours after such Poinding and Distress; appoints the said Sum of   , with the full Costs of Poinding or Distress and Sale, to be paid to the said *A.B.*, the Complainer, from and out of the Proceeds of such Poinding or Distress and Sale, and the Surplus [if any] to be paid to the said *C.D.* when demanded.

G.H. [*Magistrate.*]

SCHEDULE (B.)

FORMS OF PROCEEDINGS FOR RECOVERY OF PENALTIES.

1. *Information upon Oath.*

I *A.B.*, residing at   in the County of   , Water Bailiff, appointed under "The Tweed Fisheries Act, 1857," [*or any other Person upon whose Information on Oath Warrant of Search may be granted*] make Oath and say, That [*state the Grounds of the Suspicion*], and that I suspect and believe that *C.D.*, now or lately residing at   in the   County of   , has, contrary to the Provisions of the said Act, in his Possession, or that there is lodged or placed or concealed in a Dwelling

ing House [*or* Fishing Shield, Outhouse, or Premises] within the Jurisdiction of your Lordship [*or* Honour], or in a Boat [*or* other Vessel, Carriage, Cart, or Vehicle, *which particularly specify*] within the Jurisdiction of your Lordship [*or* Honour], or which will shortly pass through or be within the same, One or more Nets or Leisters or Spears adapted for taking or killing Salmon [*or* Salmon which have been, contrary to the Provisions of the said Act, taken or killed in or from the River Tweed]: All which is Truth, as the Deponent shall answer to God.

Sworn at this
Day of } *A.B.*
18 , before me,
E.F. [*Magistrate.*]

2. *Petition for Warrant of Search.*

[*Place and Date.*]

WARRANT is craved for any Water Bailiff appointed under "The Tweed Fisheries Act, 1857," or for any Constable or Peace Officer to search in the Daytime the Dwelling House of *C.D.* at in the County of [*or other Place*] [*or* at any Time the Fishing Shield, Outhouse, or other Place or Boat, *&c.*] specified in the Information of the said *A.B.*, in Terms of the Section of the said Act, for the Nets, Leisters, or Spears [*or* for the Salmon] referred to in the said Information.

G.H., *P.F.*,
[*or other Party entitled to prosecute for Penalties.*]

3. *Warrant of Search.*

At the Day of 18 ,
at of the Clock Noon.

HAVING considered the preceding Information and Application, grants Warrant as craved.

E.F. (*Magistrate.*)

4. *Complaint.*

To the Honourable the Sheriff of the County of
[*or* Her Majesty's Justices of the Peace for the County or Burgh of , *or other Place.*]

The Petition and Complaint of *G.H.* Procurator Fiscal of Court for the public Interest [*or other Party entitled to prosecute*].

Humbly showeth,

THAT *C.D.*, now or lately residing at in the County of , has contravened the Section of "The Tweed Fisheries Act, 1857," in so far as upon the Day of 18 , or about that Time, he [*specify the Particulars of the Offence*], by which Offence the said *C.D.* has incurred a Penalty not exceeding Pounds [*Specify any other Forfeiture or Penalty which has been incurred*].

May it therefore please your Lordship [*or* Honour] to grant Warrant to summon the said *C.D.* to appear before your Lordship [*or* Honours] to answer to this Complaint, and to be dealt with in Terms of the said Act.

According to Justice, *&c.*

G.H., *P.F.* [*or other Party entitled to prosecute.*]

5. *Deliverance on Complaint.*

[*Place and Date.*]

THE [*Magistrate*] having considered the foregoing Complaint, grants Warrant for bringing *C.D.* complained of immediately before him [*or* before any One or more of Her Majesty's Justices of the Peace for the said County [*or* Burgh] of *or other Place*], [*or* appoints the said *C.D.* to be served with a Copy of the foregoing Complaint and of this Deliverance], and grants Warrant for citing the said *C.D.* to appear before him [*or* before him or any One or more of Her Majesty's Justices of the Peace for the said County or Burgh of [*or other Place*] within the ordinary Court House [*or other Place*] at on the Day of 18 , at o'Clock Noon, then and there to answer to the Charge made against him in the said Complaint under Certification, and grants Warrant at the Instance of both Parties for summoning Witnesses.

E.F. [*Magistrate.*]

6. *Citation.*

C.D. TAKE Notice that you are summoned to appear before the Sheriff of the County of [*or* any One or more of Her Majesty's Justices of the Peace for the County [*or* Burgh] of [*or other Place*] in a Court to be held within the ordinary Court House at [*or other Place*], on the Day of 18 , at o'Clock Noon, to answer to the Complaint against you at the Instance of *G.H.*, to a Copy of which this Citation is attached. This Citation served on the Day of 18 , by me, Sheriff Officer [*or* Constable] of the County of [*or other Place*] before Witness.

L.M., Sheriff Officer [*or* Constable].

7. *Execution of Citation.*

I *L.M.*, Sheriff Officer [*or* Constable] of the County of [*or other Place*] duly summoned *C.D.*, residing at in the County of , to appear before the Sheriff of the County of [*or* before any One or more of Her Majesty's Justices of the Peace for the County [*or* Burgh] of [*or other Place*] in a Court to be held within the ordinary Court House at [*or other Place*] on the Day of 18 , at o'Clock Noon, to answer to the Complaint at the Instance of *G.H.* against him. This I did by delivering to him personally [*or* leaving for him at his Dwelling House at aforesaid] a Citation to the above Effect, attached to a full Copy of the said Complaint and of the Warrant thereon, dated the Day of 18 , before *N.O.*, subscribing Witness.

L.M., Sheriff Officer [*or* Constable].

N.O., Witness.

8. *Conviction in England.*

to wit,

Be it remembered, That on the Day of in the Year of our Lord 18 , *C.D.* is convicted before us *E.F.* and *G.H.*, Two of Her Majesty's Justices of the Peace for the County of [*or other Place*] [*describe the Offence generally, and the Time and Place when and where committed*], contrary to the Provisions of "The Tweed Fisheries Act, 1857." [*Then add Adjudication.*]

Given under our Hands and Seals the Day and Year first above written.

E.F.
G.H.

9. *Conviction*

9. *Conviction in Scotland.*

[*Place and Date.*]

The [*Magistrate*] in respect of the Evidence adduced [*or* of the Judicial Confession of the said *C.D.*, *or* in default of the Appearance of the said *C.D.*, *as the Case may be*], convicts the said *C.D.* of the Offence charged, and decerns and adjudges the said *C.D.* to pay the Sum of of Penalty, with the Sum of of Costs, to the Commissioners appointed by "The Tweed Fisheries Act, 1857," or their Treasurer, and failing Payment by the said *C.D.* forthwith * grants Warrant for Recovery of the said Penalty and Costs by Poinding or Distress of his Goods and Effects, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding or Distress; appoints a Return or Execution of such Poinding or Distress and Sale to be reported within Eight Days from this Date, and in the mean-time grants Warrant for detaining the said *C.D.* in the Prison at until such Return be reported, or until sufficient Security be given by the said *C.D.* for his appearance before the [*Magistrate*] on the Day of next.†

E.F. [*Magistrate*].

* [*If it shall appear at the Trial that no sufficient Poinding can be made within the Jurisdiction of the Magistrate, say here*, "and in respect it appears that no sufficient Poinding or Distress can be had whereon to levy the said Penalty and Costs, grants Warrants to imprison the said *C.D.* in the Prison at for the Space of unless the said Penalty and Costs be sooner paid."]

† [*If any article be forfeited, add here,* "and further decerns and adjudges the Boat, Net, (*or other Article*) specified in the said Complaint to be forfeited, and directs the same to be destroyed at the Sight of the Complainer (*or* to be sold, and the Proceeds thereof paid to the Treasurer of the said Commissioners, *as the Case may be.*)"]

Note.—*Warrants of Poinding or Distress in the above Form may be granted separate from the Conviction, if necessary.*

10. *Warrant of Imprisonment.*

To be granted in case of a Return being made that no sufficient Goods and Effects could be found.

[*Place and Date.*]

THE [*Magistrate*] in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Costs grants Warrant to imprison the said *C.D.* in the Prison at for the Space of from this Date , unless the said Penalty and Costs be sooner paid, and decerns.

E.F. [*Magistrate.*]

11. *Warrant of Liberation.*

[*Place and Date.*]

THE [*Magistrate*] in respect of the Return of a sufficient Poinding or Distress and Sale of the Effects of the said *C.D.* [*or* in respect of Payment having been made of the said Penalty and Costs, *as the Case may be*], grants Warrant to the Keeper of the Prison at for the immediate Liberation of the said *C.D.*, and decerns.

E.F. (*Magistrate.*)

12. *Warrant of Concurrence.*

[*Place and Date.*]

I *M.N.*, Sheriff [*or* Justice of the Peace, *or* Sheriff Clerk] of the County of , grant Concurrence to the within Warrant, so that the same may be enforced within this County.

M.N.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.